

IN THE COURT OF THE SUPERINTENDENT
RESIDENCY BAZAARS, HYDERABAD.

NAWAB MEHDI HASSAN

V

S. M. MITRA.

Mr. EARDLEY NORTON'S OPENING SPEECH
FOR THE DEFENCE.

Bombay :

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1893.

THE HYDERABAD PAMPHLET SCANDAL.

Mr. Eardley Norton, opening for the defence, said : In commencing the case for the prosecution, I have to submit that there are two main issues which this Court will have to try, both questions of fact. The first is, did Mitra publish the pamphlet as alleged? And secondly, is the pamphlet defamatory? I shall not at present touch upon the question of the legality of the charge, as framed, but merely state that I shall claim the benefits of the first, second, and ninth exceptions to section 499 of the Indian Penal Code, and I shall maintain upon the evidence as it already stands, irrespective of evidence to be produced, that it is already proved that this pamphlet is in substance true and that it is for the public good that these statements should be published. I maintain even without going into evidence for the defence, that there is sufficient testimony before the Court, brought by the prosecution itself, to entitle me to say that the allegations with regard to the woman who calls herself Mrs. Mehdi Hassan are proved, and that she was guilty of immorality before marriage, with many men, and after marriage with Sir Salar Jung the second. There is conclusive evidence before the Court on that head without going into the evidence of witnesses for the defence. If that be so, then arises the question, is it for the public benefit that this pamphlet should have been published? With regard to the legal aspect of the publication there is an allegation in the information, wholly unsubstantiated by any proof, that there was a publication of this pamphlet to all classes of persons, and every influential member of society. Now, that would be a serious case if Mitra had to meet it, but he has not, simply because there is no evidence of the publication of this pamphlet—and I am speaking within the facts—to any living person except to Nawab Mehdi Hassan himself. I have been through the evidence with great care, and I find the only person who has spoken about any publication is Mehdi Hassan, who has confined himself to saying he received on the morning of the 7th April 1892 the pamphlet in question. Now, a communication made to a husband about his wife is privileged, and I venture to suggest that in law a communication, warning a husband against the past immorality of his wife and stating that he had no right to present her to the Queen, because at that time he knew she was a woman of bad character, is a communication which is privileged by law. If my contention be sound that there is no publication in fact to any

one except to Mehdi Hassan, and if I be equally sound in my view of the law that such publication is privileged, then I submit that the whole case against my client fails on a primary and cardinal point. The recorded evidence of publication repels any charge of malice or want of good faith. But I shall not be satisfied with a decision on a plea such as that. I shall go further and plead that the statements in this pamphlet, by whoever they were made, were made in good faith, within the pleaded exceptions of the Penal Code and for the good of society at large. We must go back and look at the position in life which Mehdi Hassan occupied at the time, and just before the publication, of this pamphlet. According to his own statements and those of his learned counsel, Mr. Inverarity, he was living in high and influential circles, and represented in a high official capacity one of the greatest sovereign powers of this country. He seems to have enjoyed the confidence of his master, and when he went home to England he was received with the distinction which appertains to high rank. At present we know that shortly after his arrival in England he contrived to introduce his mistress to the Queen, and if that is true—and the introduction is not denied—and if Mehdi Hassan's mistress is the woman we claim her to be, I think I may say with safety that it contravenes all our elementary notions of right and wrong that a woman in her position should be taken home to England and presented under false pretences. Gertrude Donnelly was presented as the married and respectable wife of a respectable Hyderabad official. But I shall show that neither Mehdi Hassan nor his alleged wife are respectable, and I shall show this first of all from the evidence for the prosecution. I can scarcely conceive if the evidence be true, namely, that the so-called Mrs. Mehdi Hassan was a moral eye-sore, and a sore running over with corruption, that it was not for the benefit of the public at large that Mehdi Hassan should be put on his guard against thrusting upon society a woman contaminated as this woman is alleged, and shall be proved, to have been. I am sorry to have to use these harsh words, but as Mr. Mehdi Hassan has chosen to appeal to the law, we are strictly within our limits when we allege and prove that he is not a man who has any right to complain, because he has no character himself. He has no character to lose, and Gertrude Donnelly has less. What I particularly desire the Court to recollect is that throughout this enquiry I shall proceed on the assumption—an assumption which I shall establish as a fact pretty conclusively—that Mehdi Hassan cannot be accepted as having spoken two words of truth throughout the whole of this enquiry, and when I ask you to accept as false almost every material statement he has made in this case, I shall do it not upon one or

two isolated facts upon which his memory might have played him false or upon statements that are untrue and might be unintentionally false, but upon an established averment that he has consistently and persistently perjured himself on every occasion where a false statement could enure to his benefit and impose upon the judgment of the Court. I think I shall be able to show that in thirteen distinct and separate instances Mehdi Hassan has perjured himself. With each instance I propose to deal in greater detail later on. Turning to the statements upon which my allegations are founded, I will venture first to assert that an investigation of the records will show that Mehdi Hassan has committed deliberate perjury with regard to his statement of Donnelly's death before his alleged marriage with Gertrude. Mehdi Hassan incidentally calls Donnelly a captain, but he was nothing of the sort. The statement as to Donnelly's death was no idle statement, but a statement introduced with an object, and that was that when he said Donnelly died in 1872 he wished to show that Gertrude Donnelly was an orphan without relatives to assist her or protectors to whom she could appeal, and that he brought her down with Mrs. Evans to Lucknow as a pure matter of charity, that she was a girl in such a position that out of the pure benevolence of his own disposition he found her a house and surrounded her with his friends and servants. He then leaves her to the unguarded protection of a scoundrel such as Sujat Ali. We see Mehdi Hassan's object when he said that her father died in 1872. He endeavoured to explain away his treatment of this girl. You will recollect, Sir, the complete change of front Mehdi Hassan has made since he has been under cross-examination with regard to that fact, and it is a singular circumstance that whereas Mehdi Hassan on the first occasion, before the Lucknow Commission, thought it necessary to read over his depositions with care, and with such care that he was able to correct four statements he had made in cross-examination, yet he did not think it necessary at that time to make any correction with regard to the material date of Donnelly's death, until after the Lucknow Commission. When he had been put on his guard in Lucknow by finding that we were trying to ascertain the date of the death of Donnelly, he thought it right to preface his further examination here with the unsolicited statement that he was in error in saying that Donnelly died in 1872.

The second item of perjury is with regard to the time he put his signature to the marriage contract. I will remind the Court shortly as to this. I will read passage by passage from his former depositions, in which he states that he signed that document in the presence of Sjat Ali and

Himyat Ali after the words had been used which in Mahomedan law constituted them man and wife. He has now turned a complete somersault, because he could not reconcile the appearance of the palpably different inks in which his wife's name and his own appear. I will ask you to believe, and I now ask you to accept, my inference that Mrs. Mehdi Hassan put her name to that document not in 1873 at Lucknow, but in Kashmir during the present year 1892. That is a serious charge, and if I can prove that by evidence, it will become doubly necessary to ascertain Mehdi Hassan's motives for making two statements so absolutely irreconcilable with the truth and with each other. His first statement you have heard. His second, on reflection, is that he took that marriage contract to the ceremony, ready signed by himself.

The third charge on which the evidence will be absolutely conclusive is that Mehdi Hassan has said that the original negative of the photograph of Gertrude (Exhibit 19) was destroyed in 1873. When I first cross-examined him, it was he who chose to fix the date on which that picture was taken, namely, between the 28th September and the 8th October 1873, when he became a Tehisaldar in the British service. It does not require a supreme intelligence to understand that he could not admit that Gertrude Donnelly had been in the habit of being photographed before marriage in native costume, in a position which distinctly, according to the tenets of Mahomedan custom, proclaimed her to be of questionable morals. Asgher Jan has sworn that the *Saree* thrown over the person as in that picture leaving the left breast exposed, proves that Gertrude Donnelly was not a woman of good character at the time she was photographed in that manner.

The fourth charge is also absolutely conclusive. It has regard to the cheque passed to Ali Abbas. I have had the cheque photographed, but have not yet received a copy, but I am perfectly satisfied that we shall be able to show that the statement with regard to the origin of the cheque as sworn to, is wilful perjury, concocted with a view to meet my charge that Mehdi Hassan was going about Lucknow with his money bags, trying to get at my witnesses, and suborn them to perjury, and that the statement that he lent his cousin 6,000 rupees is a fiction set up to account for the difference between moneys legitimately spent for law expenses to the extent of Rs. 11,000 and the balance of the Rs. 20,000 he received from the Hyderabad Government.

The fifth charge is as to the note for Rs. 6,000 professed to be given by Sirdar Hassan as representing a genuine transaction. Mehdi Hassan's statements with regard to that I shall prove to the Court are a wilful concoction for the purpose of misleading the Court.

The sixth item is his statement contained in Exhibit "C," one of his letters to the Minister, in which he deludes that gentleman with the story that he has got what he calls "preliminary correspondence," that is to say, that at the time he wrote that letter he had correspondence, both anterior in date to his marriage and subsequent to it, and which he said would absolutely confirm his statement that he was married to his wife. Mehdi Hassan has had to admit that no such preliminary correspondence is in existence, and that he made the statement as to his belief that it did exist under circumstances which effectively exclude all acceptance of that belief. I shall show hereafter first of all the motive that he had in making that statement, and secondly that the statement is absolutely false.

The seventh item is the false statement with regard to Mrs. Mehdi Hassan's age. I shall ask the Court to believe that it is impossible that any women can inadvertently make a mistake of five years in her age at a time of life when she could have no motive in concealing her age. We all know that there is a weakness amongst ladies who have arrived at a certain, or uncertain age, to conceal their exact age, and that they are prone to make a declaration in favour of their youth at any time after they are bordering on the thirties. But a girl, in the first blush of womanhood and proud of the fact that she is nineteen, would not intentionally in a document describe herself as fifteen, unless there happened to be some very urgent reason for this subtraction of years.

The eighth item of perjury is that Mehdi Hassan stated that he did not, during the Durand enquiry, hear of it. I must trouble the Court hereafter with the details on that point, and I shall conclusively prove, by inferences which no logical mind can resist, that such enquiry could not have gone on without information being given to Mehdi Hassan by Musthak Hussain or by Ikbar Ali, or by Sujat Ali. To ask us to believe that these three persons met, as we know they did meet—it is not denied—and made no mention of the enquiry, especially when we know on what friendly terms they were, is asking too much. That Mehdi Hassan knew of the enquiry there is absolutely affirmative evidence on the records to prove.

The ninth item is that Mehdi Hassan states he never heard of discreditable rumours about himself and his wife. But he is a foolish knave, for he admitted under cross-examination that he had himself in 1889 sent to the Minister an anonymous letter which he had received from Sir Seymour Fitzgerald. How he could have done that and then get up in open court and say there were no discreditable rumours would puzzle anyone who does not understand the moral characteristics of Mehdi Hassan.

The tenth item is that he also denies knowledge of this enquiry in its preliminary stages under the Government control.

The eleventh item of perjury in his denial on oath that he never received the letter, Exhibit 2 C, from Usuf-uz-Zaman. That assertion is contradicted by letters in Mehdi Hassan's own handwriting, and I shall convict him of rank and deliberate imposture. I am entitled by logical inference to ask you to hold that if a man has shown himself to be base beyond conception with regard to many statements, he is likely to be so with regard to many others. I will prove that that statement that he did not receive that letter is a lie.

His twelfth deliberate falsehood is his denial of any knowledge of Colonel Ludlow's services being placed at his disposal.

The thirteenth is a minor matter and it is that Nawab Sarvar Jung had forbidden all Government officials going near him, and therefore that he was not in a position to see his witnesses. These are the thirteen points on which I will show that Mehdi Hassan is absolutely untrustworthy, and my impeachment is not yet complete.

I should like to make one observation with reference to a remark made by Mr. Inverarity in his opening and with regard to which some explanation is due. My learned friend distinctly asserted by anticipation that this was to be a political case. All I can say is that that is perfectly true. But it is true in a sense not meant by the Prosecutor's Counsel. As a matter of fact Mehdi Hassan cares little whether or not Mitra be convicted and punished for the publication of this pamphlet, or how the publication affects his own or his wife's honor; but what he fancied he was going to prove was that there was a political conspiracy to try and oust him from his office—a conspiracy between Sir Khurshed Jah and Nawab Mehdi Ali and others, and that in the course of this enquiry he would be in a position to make and prove such statements as would possibly exclude his own rival Mehdi Ali from all power, and Sir Khurshed Jah from ever enjoying the sweets of office. That is the sense in which this case was a political matter. With reference to Sarvar Jung, we have been taunted in the public press that whereas Counsel for the defence had intended to call him, they let the occasion pass and did not call him. The reason why we said we would call him was that he had several documents in his possession and we wished to put him in the witness-box in order that he might produce them. Those documents have since passed out of his possession, and the necessity for his appearing in

Court ceased concurrently with that passing. Another thing, however, is that Sarvar Jung is a quasi-defendant in this case and is morally and legally justified in every step he may or may not have taken with regard to its defence. He is absolutely justified in endeavouring to support Mitra in this case with a view of supporting the truth of the statements in the pamphlet, because upon the issue of this case possibly depends his own freedom from prosecution. Why should not Sarvar Jung do all he can with a view to proving the truth of the pamphlet? As a matter of fact what he has done is that he has sent Sajid Beg, his brother, to Lucknow and he has assisted us largely in procuring reliable evidence. Sajid Beg or Sarvar Jung need not be ashamed of what they have done. If Sarvar Jung or any other man had officially inhibited the officials of the State from having anything to do with Mehdi Hassan and thrown obstacles in the way of Mehdi Hassan and his own witnesses, I should be the first to say that such a procedure was absolutely inequitable and unjust. But so far as I know Sarvar Jung has done nothing of the sort. So much with regard to one or two of the earlier matters.

Now I come to the main issue in this case, whether or not Mehdi Hassan married this woman Gertrude Donnelly. I submit at the outset, sir, that there are various antecedent improbabilities which tell against the likelihood of Mehdi Hassan marrying such a girl. I maintain that it is not usual for Mahomedans, even less so at that time than now, to marry Christians. She was a Christian and he a Mahomedan. She had not sixpence to her name, nor had he to his. He did not dare to marry, he says, before he was appointed Tehsildar of Purtabghar, and it is unlikely that he should have arranged to do so before that period, because she had not a farthing, and he had even less. He talks in a light-hearted way about having been at the Canning College and being the son of a Zemindar. If you could only see the class of men who walk about Lucknow and call themselves Zemindars you would not lay much stress, sir, upon their pretensions, and you would admit that they are a very different class of Zemindars to what one is accustomed to meet in Madras. Any one can be a Zemindar in Lucknow, and the less Mr. Mehdi Hassan says about his being the son of one of those gentlemen the better for himself. It is admitted that Gertrude Donnelly was living with her sister, a woman of bad repute. I do not say that because one woman went wrong the other necessarily did so, but the contact was likely to contaminate, and the early influences which surrounded Gertrude in her home (for it is true that her father was a drunkard who lived on the proceeds of

his daughter's trade) were not such as to lead one to the belief that she would be likely to escape the contagion of her sister's evil precept. Her sister was accessible to every one able to pay and Gertrude's friend, Alice Evans, labours under a curious suspicion of lapsed virtue. Such are some of the influences what surrounded Gertrude Donnelly at the outset of her career in life. She was therefore not the class of women that a respectable man as Mehdi Hassan claimed to be was likely to court. I am taking him at his own valuation for the purpose of this argument. The evidence is that he knew her for a month in 1872. She was then living with her father in a suburb of Lucknow. She then disappeared from the scene and he did not see her again until September 1873, when she returned to Lucknow under the protection of Mrs. Evans to be married. I don't say a man does not marry a girl after a brief acquaintance. Of itself, that fact would not prove much, but taken in connection with the other surprising facts of the case, it is merely one link in the chain of circumstances that goes far to prove that *a priori* he was not likely to select her in marriage.

Look at the sudden appearance again of Mrs. Evans on the scene. What is the story she tells ? It is marvellous when compared with that of Mr. Evans. They want to make us believe that they are persons of large and unbounded charity, and that they suddenly received intimation in 1872 that Mrs. Donnelly and Gertrude were coming down to Lucknow for an indefinite period and without having any money. Evans was then a married man receiving Rs. 100 a month and had himself, his wife, his daughter Alice, and several other children to support. He was not a man of means, and certainly not the sort of man to throw open the hospitality of his house to the world at large. I asked him if he was in a pecuniary position to invite Mrs. Donnelly and her daughter to stay with him for an indefinite period without payment, and what was the reason of their visit. He replied that years ago Mrs. Donnelly was very kind to his wife and nursed her through a severe illness, and therefore he threw open his house to her. A beautiful story that, if it were true. But Mrs. Evans was put into the witness-box and her story is totally different. She says that she only met Mrs. Donnelly once for an hour when she was on the Ghaut coming from Simla, and that Gertrude the daughter was there at the same time, and she said, as many people do say without meaning it : " Oh, if you should ever go to Lucknow come and stay with us." If that is the true story what becomes of the beautiful romance about the severe illness and the gratitude, where is the *quid-pro-quo* for this man offering his home to the mother and daughter ? Why, it never existed. Mrs. Evans is probably speaking the truth when she says that she did not

know anything of Mrs. Donnelly except for their chance acquaintance when on the Ghaut. In 1872, eight years after, they came to Lucknow and they were received with an absence of prudence and conventionality which positively makes one's mouth water. The mother and daughter stay at the Evans's house for an indefinite period, and so far as the Evans knew they were to stop a long time, possibly for ever. In trying to arrive at the truth we must put ourselves in a position to see what was the motive for the Evans to take in the Donnellys. The fact that Mr. Evans makes a statement which is untrue, which is incompatible with the facts, gives rise to a suspicion that Evans has got something to conceal, and that he is not desirous of telling the whole truth, a fact that gains additional weight from the other circumstance that he was in constant communication with Mehdi Hassan and had seen him in Lucknow just before Evans gave his evidence. We can conceive how that large-hearted charity, which is such a conspicuous characteristic of his nature, laid him open to the influences emanating from the person of Mehdi Hassan, who possibly said to Evans : " Help me out of this mess. I am in a hole. Here is Rs. 6,000 for you." Now if that evidence about the loan to Sirdar Hussien is false, what has become of the Rs. 11,000? Has any portion gone to the Evans family? One last antecedent improbability to this marriage is the manner in which it is carried out. Mehdi Hassan's story is that he married Gertrude in this way because his relations objected. If Gertrude was a woman without virtue, I can understand the objection. But Mehdi Hassan will not take that view of the case. Then what was the objection? Apparently she had apostatized from Christianity to Mahomedanism, but is there one single iota of evidence on the record to prove that there was any objection to the marriage on this score or for any other reason? I challenge my learned friends, and I answer there is not? He had a mother and one of the witnesses of the Barabanki commission said she was too old and ill to appear as a witness.

Mr. Rudra : She has since died.

Mr. Norton continuing : Then I congratulate her on her happy release from such a son. If Mehdi Hassan had desired it he could have sent her, and physically if not morally she was able to come into Court and answer one question : " Did you, or did you not receive your son's wife as your son's wife " ? And I should have thought if she was the respectable woman she is said to be, and could have given a satisfactory answer to that question, she would have been glad to have come and given testimony to her son's character, especially when she knew her son's antecedents were being dipped into until his reputation

was so discredited that he had not a shadow of it left. I cannot believe that his mother would have refused to appear if she had been morally able to do so. These are circumstances which, I submit, make it antecedently improbable for Mehdi Hassan to have contracted the marriage he says he has done. To continue the argument, I say Gertrude Donnelly has been proved to be a woman of the most abandoned type from the evidence already recorded, and if there are any chinks left they will be closed up when I call Lauchlin and Yusuf-uz-Zaman. I propose to class the evidence under two heads. I say even on the prosecution's evidence, as it stands, the statements in the pamphlet are proved before we come to the defence at all. I submit that the cross-examination abundantly testifies that Gertrude Donnelly was a woman of bad character. I put it to the Court that I am fairly stating the case when I say the only legitimate inference to be drawn from this woman's treatment, both before the alleged marriage and after, is that she was a woman of bad character. It would be inconceivable that the record for the prosecution should be in the position it is, absolutely bare of reliable evidence, if that inference was incorrect. We have no evidence except from Sujat Ali, Amir Mirza and that class of men, upon which my learned friend will be able to rely as showing either before or after marriage she had received from any friend—woman friend—or relative that treatment which any respectable, legitimately married woman would have not only expected, but have received. As I have already said we know Gertrude Donnelly was living with Mrs. Hodges, a woman of ill-fame, and was a friend of Alice Evans, another bad character. The recollection of what Evans, the father, said on this point when asked if his daughter was not living with a native in Hyderabad, is that he replied she was a married woman and her husband's name was Wilson. When I asked where they were living and when they were married, he did not know. Conceive such a state of things consistent with the affection that a father should have for his daughter, and such a father, too, whose unbounded sympathy with human kind led him to throw open his house unrestricted to the Donnellys. It is a very singular circumstance that the father when interrogated with regard to his position in life said: "I have five sons and two daughters, one is called Alice, she married a man named Wilson, I don't know where she or where he is." Mr. Evans asked me not to put the question as to his daughter's character to his wife, because she was subject to hysterics, and I therefore refrained from doing so. I say it is a curious thing that amongst the playmates and companions of Gertrude Donnelly's younger life was this woman Alice Evans as to whom the evidence

stands is an unsatisfactory condition. Can we believe that any young man could have had any respect for the moral character of his future wife, and at the same time place her under the control of Himyat Ali, Sujat Ali and Amir Mirza? Mehdi Hassan puts her in a house for which he pays the rent, with servants of his own, and makes every provision for clandestine intercourse with her. He puts her there and surrounds her with men of the character of Himyat Ali, Sujat Ali and Amir Mirza. From the way Sujat Ali has given his evidence, I say he would not scruple to take advantage of the girl, as he has attempted to take advantage of this Court. Here it is an intellectual march he has endeavoured to steal; the other was a physical one. He asks us to believe that he had these opportunities of access, but did not avail himself of them. It is asking too much. He visited her frequently, and he was Mehdi Hassan's trusted friend, and I think our knowledge of the world will enable us to say that it is the trusted friend who generally betrays. One of these trustees of Gertrude's person, Himyat, has gone to his last account, and I do not wish to say anything of him as he is not here to defend himself; but with regard to the other two I don't think they can fairly ask us to believe anything they said or did. That was the condition of Gertrude's life before she was taken to the hymeneal altar. But Mehdi Hassan has not even the decency to get married women to witness the ceremony of marriage and revels instead in that wonderful series of lies that his friends objected to the marriage. But according to his own statement, within one week of this absurd performance, he went and received the full forgiveness of his mother and other respectable relatives. Until we have some better evidence with regard to the motive which induced him to select this somewhat peculiar manner of celebrating the marriage rites, we must look with grave suspicion on that portion of his evidence which speaks of the truth of the marriage. Immediately after the marriage, what happens? Why, he goes away again and leaves Gertrude under the protection of these three men I have mentioned, and on returning eventually takes her by a circuitous route to his mother. At first, he says the mother did not receive Gertrude but that she afterwards did so. There is absolutely no evidence on that point. I will come later to the Barabunki evidence. There is no doubt that Mehdi Hassan's uncle and brother-in-law tried to do all they could to support this alleged marriage, but that fact must not be judged by the mere statements of the witnesses, but by the whole surrounding circumstances. Its truth will disappear if I can show that the marriage contract is a fraud and a forgery. After Gertrude's marriage, or alleged marriage, she

stepped into the position of the wife of a respectable official in the British service. She was the wife of a Tehsildar of Purtabghar, and her husband had married friends at that place—we have seen some of them. Yet has one single witness gone into the box and supported Mehdi Hassan's statement that after marriage his wife was received by the wives of respectable Mahomedan gentlemen, or that there was one who extended to her the hand of good fellowship? Is there a single credible witness to her being received? What have we? Why, the evidence of Sujat Ali, a man you would not believe could speak one word of truth if he went into the witness-box and swore for a whole month: and then we have our acute friend Amir Mirza, who said he could not give the name of any one person who received Gertrude. Why was she not introduced to Colonel Hewett and Colonel Grigg, the Commissioner of Barabundki? You will recollect the answer Mehdi Hassan gave me when I asked why he did not introduce his wife to Colonel Grigg; he said he did not remember. I then asked: "If Colonel Grigg said you did not venture to introduce her to him will you swear that was untrue?" He did not like the question and it was suggested that the relations between European and native officials, twenty years ago, were such that they would not intermingle. I believe, as a matter of fact, that the relations between European and native officials were actually better then than they are now. Then there is the plausible excuse set up that Gertrude Donnelly was *pardah*. That certainly would be a good reason for saying that Mehdi Hassan did not introduce his wife to gentlemen, but what about the ladies? We are asked to reject as false every printed book published in the past twenty years, and to believe that intercourse did not exist in 1873 between European and native officials' wives. The statement is absurd. Mehdi Hassan appears to have been pushed forward by circumstances from lie to lie and not to have had time to draw breath amid the waves in the ocean of his perjury. Gertrude Donnelly was then brought down to Hyderabad, but not in strict *pardah*. She proved that she could be as playful with her social scruples as with her love when she figured in a photograph with her left bosom exposed. She comes here and we find her waiting and expecting until fortune should push her into good society. We know for some years Mehdi Hassan's mistress did not go out much into society. Whether it was that she reverted to English society when the first hot flush of Mahomedanism had passed away and she began to frequent English churches I don't know, but she was soon after discovered nursing Sir Salar Jung II. The allegation with regard to her immorality with Sir Salar Jung is absolutely proved, and I shall call evidence to show that there were frequent and repeated occasions on which Sir Salar Jung had the opportunity of access to Gertrude Donnelly.

I now come to one singular point in connection with the inference we are entitled to draw with regard to the status of this woman. Her absence from the witness-box is matter for grave comment. I don't complain as to the view with which Mr. Inverarity opened the case and his intention to spring rebutting evidence upon us, if he can, but upon the issue of a marriage the best and the most competent witnesses are the husband and the wife. Yet the wife in this case has been sedulously kept out of the box. We have traced her during this enquiry into the wilds of Cashmere to remote parts of Northern India, and then at last we find the weary dove resting her pinions at Allahabad, and it is not until the case for the prosecution is closed, and while it is still dubious whether she may be summoned as a rebutting witness, that she joins hands with her husband and is now living as we believe with him in Hyderabad.

A few words as to the tactics adopted by Mehdi Hassan. One can scarcely understand the shrinking of Gertrude Donnelly from the witness-box if the marriage was a true, plain, easily proved story, for what has she to fear that he has not? Why should the man go into the witness-box while the other party to the contract is cooling her feet in Cashmere? It is a singular thing that Gertrude Donnelly has abstained from courting the publicity of a statement given on oath in a Court of Law, under the sanction of cross-examination. Another inference with regard to the improbability of the story, is the inference to be drawn from two sources; first Mehdi Hassan's conduct with regard to the photographs (Exhibit 19), and secondly his conduct with regard to his attempts to bribe our witnesses. The evidence with regard to Exhibit 19 stands thus: He admits the photo marked 19 to be that of Gertrude in native dress, and denies 20 that of Gertrude in English dress. I don't know, sir, whether you have ever seen Mrs. Mehdi Hassan, but any one who has must be absolutely certain that Exhibit 20 is a photograph of that person. Why does he deny it, and in vain, because it is proved by Asgher Jan and Amir Mirza, besides a great many other persons at Lucknow? Why did Amir Mirza select Exhibit 20 out of the whole series of photographs put into his hands, and reject the pictures representing Gertrude Donnelly in native dress? Because he thought it would damage the case to admit he knew she had worn native dress, and he therefore rejected what the husband accepted, and accepted what the husband rejected. It is thus that providence moves to the elucidation of truth! Shujat Hossein has proved the Exhibit 19 to be Gertrude's; Asgher Jan has proved it, and Mrs. Gill has also proved it. Exhibit 20 is also proved by witness Grant. Mehdi

Hassan endeavours to make out, that Exhibit 19 was taken between the 28th September and 8th October 1873 from a negative, which he either saw destroyed or took care should be destroyed under Asgher Jan's instructions at the time. That was his original statement, and he repeated it the other day. At page 23 of his original evidence he says : " I think after the photograph of Mrs. Mehdi Hassan was taken in native dress, the negative was destroyed ; I asked the photographer to destroy it." If that was so, if the negative was destroyed in 1873, it is obvious there could be no reproduction by any art from a destroyed negative. Now we are at once met with this difficulty, how can we be in possession of these thirteen photographs, the 19 series and 20 series, if the negative was destroyed in 1873 ! They are all admitted to have been taken by Asgher Jan, who goes one step further and says the photographs in native dress and in European dress were taken on the same occasion, at the same sitting, time only being allowed to Gertrude Donnelly to go into another room in the house and change her dress. That was, he says, in 1873. There is, however, obviously a difference in age in the figure represented in Exhibit 19 and that of the woman in Exhibit 20, a difference of some four or five years. At any rate we are in possession of seven photographs of the reputed Mrs. Mehdi Hassan, and I want to know how we could be in possession of them if the original negative was destroyed in 1873 ? Asgher Jan has sworn that Exhibit " A," the same picture as the series, Exhibit 19, was printed in 1873, and I, on the other hand, will prove that Exhibit 19 was printed in July 1892. Why should Asgher Jan go out of his way to make a statement which by a mere comparison of these photographs will prove itself to be a lie ; why should he do that except under some influence ? What is the influence ? Is it likely he would tell a lie at our expense and under our tuition which would have the effect of seriously endangering our ' case ' ? Is he not trying to help Mehdi Hassan over a stile under the pecuniary influence of cheque, or cash ? Asgher Jan was absolutely unconnected with the case so far as he was personally concerned, except that he had committed himself in writing to Sarvar Jung, who was thoroughly entitled to apply to him for information with regard to these photographs and who would have been justified in giving Rs. 5,000 for the purchase of the negative. Asgher Jan at first showed that he was perfectly ready to give Sarvar Jung copies struck off from the original negative of the photograph, but from that consent he subsequently resiled. Why this sudden change in Asgher Jan ? It was due to the direct interposition of Mehdi Hassan's corruption, and I charge him upon the evidence that he did bribe Asgher Jan and that through Ali Abas, a pleader in Lucknow.

I was challenged to make that last statement at Lucknow by Mr. Lincoln, who said I was throwing aspersions on a respectable pleader of the Court and he asked the Magistrate to make a note of my declaration. I said then that Ali Abas was one of the gang of conspirators, acting in concert with his client Mehdi Hassan, and that he was suborning testimony. I repeat that statement here to-day, and repeat it with a deeper, fuller emphasis, because I shall presently show how clear is Ali Abas's connection with Mehdi Hassan in this transaction. There is evidence on the record of the fact, and when I come to deal with Exhibit 22, and Mehdi Hassan's and Ali Abas's action in connection with the cheque I shall say that Ali Abas has acted in a shameful manner in this nefarious transaction, and I trust the Judicial Commissioner of Oude will take notice of his conduct. At the outset Asgher Jan was willing to give the photographs, and I will prove that Sajit Beg went to Lucknow and was in constant communication with him and asked for these copies and found himself in this position. Sajit Beg found that Asgher Jan had got entangled between two conflicting sentiments. He was anxious to help Sarvar Jung, but could not resist the continued application of money by Mehdi Hassan. He allowed his friendship for Sarvar Jung to go to this extent, he gave us copies struck off from the negative, and then sold the negative to Mehdi Hassan. I now charge him with being a perjured witness, and charge that he was helped to perjury by Mehdi Hassan and Ali Abas. Sajit Beg, who will be one of any witnesses, will disclose this state of things ; he will disclose that Asgher Jan ventured to open communications with the counsel for the defence and approach them with an offer to put five witnesses at their disposal who would be able to prove the truth of the copies being struck from the negative, on condition that we dispensed with his own personal testimony, because he did not wish to go into the witness-box to hurt poor Mr. Mehdi Hassan's feelings, nor did he wish to disclose that he had been in pecuniary treaty with Mehdi Hassan. At any rate it is to our credit that we declined to treat with him, Sajit Beg told him we would decline to take even twenty-five witnesses to prove a fact which was within his, Asgher Jan's, own knowledge. It will be proved that Asgher Jan sent to the defence and said he was in a position to explain away his letters, and that he was informed he would have an opportunity of doing so, on solemn oath in a Court of Law. The most important point of Asgher Jan's evidence is this :—It is abundantly proved that he received a cheque drawn by Mehdi Hassan on the 4th October 1892 for Rs. 1,200 with the serial number of 115,653, in the name of Ali Abas. I submit, if I can once prove beyond

all dispute the possession of that cheque by Asgher Jan, I have proved conclusively that he was bought by Mehdi Hassan. Take the disclosures on the record with regard to the story of this cheque. Within twenty-four hours of the date of the cheque—certainly forty-eight—Sajit Beg handed us over the fact and a memorandum was prepared on which were entered the details of the cheque, and Sajit Beg will swear that he copied them from Asgher Jan in whose hands he saw the cheque and with whose consent he took down the details. Those facts were submitted to Mitra's advisers, and Sajit Beg told Asgher Jan what he had done. The cheque was then immediately torn up by Asgher Jan. We know it never was presented, and upon this point Mehdi Hasan is agreed with us, for Asgher Jan tore up the cheque and the money was paid in cash. That is why the cheque was never cashed, because Asgher Jan got afraid the moment that Sajit Beg conveyed the message that we had knowledge of the details and would charge him with perjury. We can understand a man trapped into a situation like that would be anxious to get rid of the evidence of his own blackguardism. I think we were very foolish to give him the information, but at any rate we were honest. If we had only waited, probably Asgher Jan would have cashed the cheque. That is a story which is intelligible. The counterfoil of the cheque has since been altered from "Rs. 1,200" to "Rs. 1,060." You will see that the figure after the "1" has quite clearly been something other than what it now represents. If the cheque had been for any other sum than Rs. 1,200, the figures would never have been altered. But Mehdi Hassan could not afford to allow it to remain at its original figure and the change was then made. Take the third figure, it is obvious that the "0" has been changed into "6." What is the explanation about the cheque by the prosecution? It is that the cheque was given over to Ali Abas for fees, a sum on account. I ventured to suggest to Mr. Mehdi Hassan that the sum was a somewhat singular one to pay on account, namely, Rs. 1,060, and at first there was no explanation forthcoming as to the odd Rs. 60. But after refreshment, during the interval of lunch, when under re-examination, this amount was credited to court-fees for copies. But where is the account to substantiate that statement? There is no item on the records to prove that Mehdi Hassan paid Rs. 60 for copies or anything else. Unless he is corroborated by some evidence, I will ask you not to accept anything as true that Mehdi Hassan says. That explanation was given after reflection, and it was not an honest statement or it would have been given to me at the time. The story of the prosecution as to why the cheque was not used, is that Ali Abas had pecuniary objections to paying

the discount which the bank would charge upon the cheque, and therefore he was paid in money. Why did Ali Abas not say at once, before the cheque was drawn, that he would not accept a cheque? He either knew at the time the cheque was drawn that discount would have to be paid, or he did not know? Mehdi Hassan has sworn it never left the room, or at least the house. Ali Abas could only have been apprised of the discount in one of two ways : either by taking the cheque to the bank, or by having known of it at the time the cheque was drawn. Ali Abas is not a baby and he must have known, or his clerk must have known, one way or the other, about the question of discount, and he would have said to Mehdi Hassan, " Please don't give me a cheque, because I won't accept the responsibility of the discount." Surely a man would not have raised so trifling an objection, or the drawer would have made good the tiny difference. Another piece of evidence which destroys this explanation is that Goculchund, another Vakil, did accept cheques from Mehdi Hassan and did not mind paying discount. Is it conceivable that he should have accepted a cheque and not mind paying discount, whilst Ali Abas should murmur about it? The whole of the story is concocted from beginning to end. Mehdi Hassan did not dare admit that the cheque left Athar Ali's house because it made it possible that it should fall into the hands of Asgher Jan. Then is it possible that Ali Abas betrayed Mehdi Hassan to Asgher Jan, or to us? No, for Mehdi Hassan has sworn that Ali Abas is an honorable man and trustworthy (honourable and trustworthy according to the somewhat crude and hasty definitions that Mehdi Hassan has supplied us of " trust " and " honour "), and the final blow to the argument set up as to the cheque is that it is said never to have left the house. How does Mehdi Hassan attempt to explain our knowledge of the details of that cheque? He cannot understand it, but I put it to you, how did we within a day—I am not at all sure it was not the same day—how did we accurately know the full details of the cheque, except the one detail that we were told it was a cheque on the Bank of Bengal instead of upon King, King & Co.? Ali Abas was in Court when I was cross-examining Asgher Jan on the cheque, and he was in Court when I charged him with being a co-conspirator in trying to suborn our witnesses. He was in Court and knew I was right about this cheque in every single detail but one, and I think it is a singular thing that the commission was allowed to close without Ali Abas going into the witness-box. The cheque is one which could have been given for no other purpose except that which we say it was given for, namely, part payment to Asgher Jan towards the larger sum of Rs. 5,000. What object

had Mehdi Hassan in paying that sum ? Of course, the moment we heard of this cheque, we declined to have any further transactions with Asgher Jan or his five witnesses. If you look at our application for witnesses you will see these five are included. Possibly they might have given truthful evidence. We intended to call them, but the moment we knew that an attempt had been made to suborn these witnesses, we declined their assistance in any shape or form. Asgher Jan made the offer that if we would give Rs. 500, these five witnesses should come forward and give testimony upon the point as to which his own mouth was to be conveniently permitted to remain closed. I shall apply for leave to prosecute Asgher Jan in this Court for perjury. He was warned that unless he spoke the truth we would take this course. The evidence on that point throws a lurid light on the conduct of Mehdi Hassan. If his statement was true with regard to the photograph, and he had nothing to fear from Asgher Jan, what was his motive in endeavouring to influence Asgher Jan or his servants ? The only answer I can give—I don't wish to overstrain the case—is that Mehdi Hassan knew quite well that his statement about the destruction of the negative was not true. He knew Asgher Jan had it and the production of it would have been fatal to his statement in court. It was with a view to suppress that that he placed himself in confidential communication with Asgher Jan. I shall further call expert evidence to prove conclusively that the suggestion Mehdi Hassan has made that in consequence of certain spots on Exhibits 19 and 20, which do not exist on Exhibits 16 and 17 produced at Lucknow, he as a non-expert is satisfied that Exhibits 19 and 20 are copies photographed from a paper copy and not the negative, is a suggestion not worth listening to for one moment. Even on the record as it stands now Asgher Jan himself has sworn, he being the man who took the photograph, that Exhibits marked 19 and 20 are printed from the original negative (quotes Asghar Jan's statement). I put it this way. The sum and substance of that gentleman's evidence is this, that he swore that the copies were printed in 1873 and not after he fell a victim to Ali Abas and conspirators of that kind. Why did they not ask Asgher Jan as an expert whether Exhibit 19 was taken from a paper copy ? No, it is left over for Mr. Mehdi Hassan, who after he had told me he could not answer my question's with regard to the photographs because he was not an expert, allowed his feelings or scruples to vanish under re-examination, and suggests that the absence of dots in one copy of the photograph was proof that Exhibit 19 had been taken from a paper copy. We have a witness who will be able to prove that Exhibit 19 could not have been photographed from a

paper copy, as if it had been it would show the texture of the paper. I will undertake to prove by local experts that it is impossible that Exhibit 19 could have been taken from anything except the original negative. I will also call Sajit Beg, who will swear that it was taken off the negative by Asgher Jan himself in his, Sajit's, presence. Of course, he will be cross-examined on the point that he is Sarvar Jung's younger brother, but that I say is a fact he should be rather proud of. Sajit Beg will tell us that the photograph was taken off the plate, and he himself saw one copy whilst printing, for it was taken out of the frame and put back again by Asgher Jan because it had not been sufficiently exposed. And then we have these conspirators with the cheque book, who put their heads together and suborn testimony and Mehdi Hassan imperils other men's liberties as carelessly as he has imperilled his own liberty and ruined his own reputation. This one point alone, if I had no other evidence, namely, Mehdi Hassan's statement with regard to the figures on the cheque, and his transactions with Asgher Jan, is sufficient to damn the case for the prosecution. Mehdi Hassan's motive for influencing Asgher Jan was to get rid of the incubus which must have crushed him, that Exhibit 19 had really been taken in 1870 or 1871. In this connection I would ask you to compare Exhibits 19 and 20 with the statement about Gertrude's age in 1873. In 1873 Mehdi Hassan says Gertrude Donnelly was only 15. To do him full justice, he now says that that statement was made on hearsay—he is also incorrect about his own age in Exhibit B (the marriage contract). Mehdi Hassan talks about her age being 15 in 1873. If I can show that the photo was taken in 1870 or 1871 and that copies were in the possession of Owen, and Sajet Hassan, the first witness for the defence (against whom the only element of immorality alleged as sufficient to destroy his veracity is the fact that he, like myself, happens to be an earnest Congress man), the whole story for the prosecution that the photo was not taken till 1873, after marriage, is irretrievably shattered. Shujat has stated he owned a copy before Gertrude Donnelly is alleged to have become the wife of Mehdi Hassan. I shall be prepared to admit with Mr. Mehdi Hassan that Gertrude Donnelly was possibly 15 before this photograph was taken, but that was about 1868 or 1869, and not 1873. That last date is where I join issue with him. Mrs. Gill says that the photograph looks like Gertrude when she left Colonel Abbott's school in 1867. Gertrude and Mrs. Gill were at Colonel Abbott's school together in 1866. If I can show that she was not 15 in 1873, I go a long way to prove that Mehdi Hassan's statement that the photograph was taken in 1873, is a lie. Exhibit 18 is an important document and helps

to prove the age of Gertrude ; it is a report of Colonel Abbott's girls' school for 1866 as to which I shall have to say something directly. What I submit to be a fact is that Exhibit 20 is more likely than Exhibit 19 to have been taken in 1873, for it looks like the picture of a girl from 19 to 21, whereas Exhibit 19 is obviously the picture of a girl not taken in 1873, but about five years earlier. As to the girl's age there is also a two-fold piece of evidence. There is the Baptismal certificate, Exhibit 18.

Mr. Rudra : It must be proved.

Mr. Norton : It is too late now to object, Mr. Rudra. It was allowed to go on the records without objection by your predecessor, Mr. Forbes, who allowed me to dispense with technical proof, but if your Worship has any doubt about it, and you hold that it is not sufficiently proved, or that the exhibition of the certificate does not absolve me from giving further evidence, any defect will be easily cured by sending a Commission to Calcutta. Meantime I rely upon it as proved under sections 76, 77 and 79 of the Evidence Act, and if not so proved, then I maintain that proof was waived and its admission consented to by the other side. The certificate proves that Gertrude Donnelly was born in 1854 on the 3rd of June, and that she was, therefore, in her twentieth year when she put herself down in the marriage contract as fifteen. In addition to that we have the evidence of Mrs. Gill, who was her companion at Colonel Abbott's school. With regard to the evidence of Mrs. Gill it stands on a pedestal of its own, clear from all reflection, and it is not suggested even by Mr. Lincoln that anything could be said against Mrs. Gill, or against the story of the way she was discovered and brought into Court. I will tell you that story in time, sir. I shall close my case by calling Mr. Edgelow, last of all, because his evidence becomes necessary to repel these statements that witnesses have been tampered with by the defence. That they have been tampered with by the prosecution I heartily agree, but that we in any way either directly or indirectly, of our own knowledge or consent, permitted any tampering with witnesses is a point upon which Mr. Edgelow will speak. He will deny that we did so, or that we spent—in the language of our opponent—“ money like water.” I only wish we could have done so, for particular reasons. In proof of the *bona-fides* of the advisers for the defence, there is one fact which I should like to state. Sajit Beg is a young man and did a very foolish thing. The men Horan and Owen told Sajit Beg that they could give certain statements, but that they demanded remuneration for those statements. In perfect good faith and believing he was entitled to do so, Sajit Beg

gave them remuneration for so signing. It came to our knowledge that these men had received money and we at once declined to call them. Is it then to be thrown in our teeth that we tried to use corrupt witnesses? Does it not rather redound to our credit and show that we have done our best to keep the records clear from all imputations of wrong? I don't impute anything more to Sajit Beg than foolishness. He is a young man and considered he was doing right. Mr. Edgelow instructs me that the true facts are that it was discovered that these two persons could give evidence, and they said they would not go to Mr. Edgelow unless they were paid to speak the truth. Sajit Beg then paid the money and the men were taken to Mr. Edgelow and they made their statements. At that time Mr. Edgelow did not know that they had been paid, and when this was discovered their evidence was not made use of. I do not put this upon the platform that Mehdi Hassan did; that it is right and honourable to promise money for statements which you never intend to pay. I admit that we did pay money to these witnesses, but mark the difference: we paid the money and did not use the statements, whilst Mehdi Hassan used the statements and did not pay the money. With regard to the inferences we are entitled to draw to support my opening, even on the prosecution's case, I say, there is sufficient testimony to enable me almost to dispense with the defence with regard to the allegation of bribery. The evidence stands thus:—Mehdi Hassan has bribed Braganza, Archer, and Mrs. Rostan, and has attempted to bribe Lauchlin. He has probably bribed Grant, a Lucknow witness, and certainly he has subsidised Tommy Fanthom and got at Pundit Ruthenath, an official of the High Court of Allahabad, who left the insipid routine of his duties at the High Court in Allahabad and came to Lucknow as a conspirator trying to corrupt our witnesses. I shall pay some attention to this gentleman at some future date. Lauchlin will state how Tommy Fanthom, an official in the post office at Lucknow, tried to subsidise him, and in my very presence. Whilst I was in the post office, Tommy Fanthom, leaning across the counter, committed himself to this state of things. Lauchlin asked about the money, and said: "Is it coming or not?" Fanthom in reply said: "It is coming to-night." I should here like to make this declaration so far as I am concerned. It has been said to me and of we, directly and indirectly, that I have exceeded my rights as counsel by putting myself in communication with my own witnesses. I say, in answer, it is not only the privilege of counsel, but the duty of counsel, more particularly when he has not got an attorney or vakil to help him, to examine, beforehand, every witness he intends to put into the witness-box, and if I did

not do so I should be guilty of a dereliction of duty. So far from being ashamed, or afraid, of what I have done, I am glad I took the precaution not to call anyone who, according to the best of my means of information, would not speak the truth. One more observation. For the major portion of the Lucknow Commission, my friend, Mr. Edgelow, my solicitor, was present and ably and conscientiously performed valuable service to Mitra. The time came when he was forced to leave Lucknow and to remove with him our most important witness, Lauchlin, from the constant and degrading temptations of Mehdi Hassan's bribes. When Mr. Edgelow left, a double responsibility fell upon Mr. Boyle and myself: and we should, I hold, have been guilty of culpable negligence, had we not taken every fair and legitimate precaution of testing the value of the witnesses we determined to call and examine. Braganza made a statement to us and within ten days he had made another to the other side. He was approached with a bribe—if we believe Mehdi Hassan, he has not got it for Mehdi Hassan is a man who delights in cheating his witnesses out of their rewards—and he has signed a statement which is an endeavour to make him resile from the statement he made to Mr. Edgelow. As a matter of fact that statement does not touch the value of his former statement, but even if it did, what the other side does not seem to realize is that if the first statement of Braganza, Archer and Mrs. Rostan were swept off the records, these people would still remain most felicitous and beautiful specimens of living instances of the corrupt conduct adopted by Mehdi Hassan. Instead of strengthening his case, he has sullied his reputation—if such a reputation as his could be sullied—he has sullied such remnant as he had, by descending to the practice of bribing my witnesses against me. Such conduct disentitles him to be looked upon as an honest gentleman. If he is a man who can descend to depths like that, he is a man who if he swore white was white you would have a suspicion that it was black. The time will come—personally I don't care what Mehdi Hassan says about my reputatation—when in justice to Mr. Boyle and Mr. Edgelow I shall think it right to produce on their behalf evidence to refute such insinuations and allegations as have been made. I shall call Mr. Edgelow and he will state the true facts. But even now upon the record as it stands I say there is not one scintilla of evidence on which to attack Mr. Edgelow or Mr. Boyle. I say that the statements made in the Court in this copnection were most improper and absolutely without foundation. And I ask you, Sir, as the Magistrate in charge of this case in your judgment to clear the reputations of my friends Mr. Boyle and Mr. Edgelow from the malevolent and groundless imputations cast openly upon their private honour and professional worth. Of Archer I will only say this, that I think of all the specimens

of the human biped I have ever had the misfortune to encounter, he is one of the very worst and most discreditable. I admit that he was my witness : but it is a scientific axiom that in dealing with evidence, you must not, because a man springs from the very lowest class, consider that that fact entitles you to say you must not believe one word he says. It would not be scientific to sweep away his whole record, purely on the ground of his character, until you have reason for believing what he has uttered is untrue. Archer is a man who came to us not only without inducement of payment, but he was told that he need not give evidence unless he liked. He, however, elected to make a statement which was reduced to writing and filed. If it is true, it proves the corruption of this woman Gertrude Donnelly conclusively, because Archer swears that on one occasion in Cawnpore in 1869 or 1870, he actually sent his carriage for Gertrude and paid her Rs. 50. At the time Archer gave us that statement he had no motive in making it, either present or prospective. Why should he make that statement to us if it was not true ? But I can understand that having made it to us, he was anxious to withdraw it in so far that he had got some consideration from Medhi Hassan, and was anxious to limit the value of his evidence in chief. If we believe that Mr. Edgelow examined that man on his merits, then I certainly have laid a foundation for believing that he was afterwards bribed. I want to know why he should make that statement to us ? Attack that if you like, but you cannot give it the go-by and satisfy yourselves that he is wholly discredited by reason of his subsequent statement. I ask you not to believe this man on his second statement merely because we know that he has been convicted in Calcutta for bribery. It is from this class of men that we must look for evidence about Gertrude Donnelly's earlier career, for honest, honorable men—gentlemen of position and standing, Noblemen and High Court Judges—do not as a rule indulge in adulterous pastimes with other men's wives, certainly not with the class of woman from which Gertrude sprang, and then avow their shame and the women they dishonour in a Court of law. If we wish to prove that a woman is common property we must go down to that class of people which contents itself with pleasures drawn from a common source. You can scarcely get dukes, marquises, earls, or archbishops to prove such a fact. But if Archer was bad, he is gold refined compared with Gertrude Donnelly. He is a perfect knight in armour ; so be careful how you throw stones at Archer, lest some fly off and strike his paramour and her master. If Lauchlin and Yusuf-uz-uman are to be believed, I will prove that Gertrude Donnelly has been guilty of conduct which any abandoned woman from the slums of Paris or of Cairo would be ashamed of, and yet

this is the woman they present to the Queen, and of whom it is said that if I mention the true facts of her life and parentage, I am to be prosecuted for libel ! Mrs. Rostan was almost the first witness that came to us in Lucknow. She was an extremely valuable witness, notwithstanding the fact that she had fallen from that state of chaster womanhood which we most admire. But is that not just the class of woman who would know Gertrude's character ? Do not birds of a feather flock together, and in such a case are not such women most likely to have certain information of the histories and antecedents of their erring sisters ? She has turned against us since she first came to us, and that is rather a valuable matter for discussion. The point with regard to her I wish to bring forward is this. I intend to place great reliance on Lauchlin's statement. It was Mrs. Rostan who told Mr. Edgelow and myself that there was a man called Lauchlin somewhere in Lucknow who had been engaged to be married to Gertrude in 1869. Mark how curious was the course of events which led to the eventual discovery of Lauchlin. Mr. Edgelow will tell you that we went to the Government Chaplain of Lucknow with the object of ascertaining the facts as to Donnelly's death. The Chaplain placed records at our disposal. We went through them without any success for we know now that Donnelly did not die at Lucknow. The Chaplain invited us to go down to the Cathedral to search the records there, and additional registers were then placed at our disposal. Mr. Edgelow and myself had a long conversation with the Rev. Mr. Clark in the vestry. We spent about an hour with him during which time Mr. Clark was paying a number of pensioners and to each one he asked the question : " Do you know anyone of the name of Donnelly ? " Various answers were given, when all at once a figure clad in black rushed out from a corner of the room and said : " I can stand it no longer, I know all about it, I was engaged to the girl." That statement was made in Mr. Clark's presence. The man who made it was Lauchlin. We took him across to the hotel and you have heard that ridiculous scene according to Mr. Mehdi Hassan, of our making Lauchlin drunk on Byculla whisky and extorting a statement from him under the influence of liquor. I think this story will be disproved by the items on the hotel bill. As a matter of fact the man had a bottle of beer : and that at breakfast. The value of this man's testimony you shall judge for yourself, but that is how he was discovered. If you believe his statement and you believe that this man has spoken the truth, and that he has not deviated in one single item from the plain truth and the whole truth, then it becomes most important to connect him with Mrs. Rostan's statement. Mrs. Rostan never received from us any assurance of

present or prospective reward, a fact to which she has sworn. If I can prove that, then the question arises why should Mrs. Rostan have come and given this statement to Mr. Edgelow, Mr. Boyle and myself, and then subsequently withdrawn it or nullify it? She was a witness to the truth because we traced Lauchlin through her. She must have known something of Gertrude Donnelly's past life to be able to put us on the track of Lauchlin. She says that without our knowledge she went to Cawn-pore to get evidence for us. Was that the action of a woman who was acting honestly or acting with other motives? The history of her connection with this case is a strong feature for the defence. We, who are acting for the defence, surely would not arrest one of our most important witness, unless we were forced to do it, and yet this is what we were compelled to do with Mrs. Rostan. Lauchlin's information with regard to the circumstances of the arrest has been filed. Mr. Boyle and Mr. Edgelow drove round to her house because she had refused to keep an appointment with Mr. Edgelow. The moral atmosphere of Lucknow at that time was so tainted—I think it is the most immoral atmosphere I was ever in—and surcharged that it was impossible to suffer any considerable interval to elapse without seeing our witnesses, and what with Mr. Mehdi Hassan going about with his money-bags—I suppose belonging to His Highness' Government—corrupting our witnesses, it was necessary for us to keep ourselves in constant touch with these in order to retain some hold on their fidelity. Mrs. Rostan had pledged herself to Mr. Edgelow that she would visit him on a particular occasion and arrange so that he should be himself ocularly satisfied as to Mehdi Hassan's bribery of our witnesses. The fact had become known that Mehdi Hassan was using means to approach and seduce Mrs. Rostan's fidelity, and that Ali Abas was mixed up in the affair. Mrs. Rostan promised to make an appointment and give Mr. Edgelow the opportunity of detecting Mehdi Hassan's agent Ali Abas in her house and satisfying himself from his statement that Mehdi Hassan was trying to suborn Mrs. Rostan and Lauchlin. The appointment was not kept; the promise was broken. Time passed. Messages were sent to Mrs. Rostan. She turned a deaf ear to all remonstrances. Mr. Edgelow naturally began to feel uneasy, and Mr. Boyle and Mr. Edgelow drove to Mrs. Rostan's house. They found the outer gate shut and servants on the watch. Immediately Mr. Boyle and Mr. Edgelow came in sight, notice was conveyed by her servant to Mrs. Rostan. Lauchlin was present inside the house on that occasion and Mrs. Rostan sent out a false message to Mr. Boyle and Mr. Edgelow that she was not at home, Mr. Boyle and Mr. Edgelow, after receiving that statement that Mrs. Rostan

was not at home, went back to the hotel. The carriage was sent back for Mrs. Rostan and she said she would not come. Mr. Edgelow then sent a letter to her, which she declined to receive, and which now lies in Mr. Edgelow's box. Lauchlin was at Mrs. Rostan's house and she asked him to share in a bribe with her, which she was to receive next morning. She was to get Rs. 1,000 and then decamp. We were made aware of these facts by Lauchlin, and we applied for a warrant, which we obtained late at night, and surrounding the house with policemen, arrested her and brought her into Court next morning under police custody. We were driven to this course, on her avowed intention to leave the jurisdiction of the court. I feel a great pity for this woman, for she has now added one more to the misfortunes of her life and has been persuaded to depart from the truth in this matter by placing herself in connection with Mehdi Hassan.

You will see that Grant is a man who under similar influences has endeavoured to get out of his examination-in-chief. I rely upon this as strong evidence of the guilty knowledge in Mehdi Hassan's mind that he was endeavouring to get a conviction in this case by any means, no matter how foul, in his desperate attempt to clear the characters of himself and wife, characters irretrievably lost, irredeemably ruined.

I wish, Sir, to repeat Mrs. Rostan's story with a little more circumstantiality. The story is this. Mrs. Rostan told Edgelow that she had constantly been approached by Mehdi Hassan and asked to depart from her story and give written statements and receive a sum of money. Under Mr. Edgelow's advice she decided not to give any statement or receive any money, but he said he would like to have affirmative proof that Mehdi Hassan was attempting to corrupt her. An appointment for this purpose was made, but the day past by without Mrs. Rostan keeping her word. Mr. Boyle and Mr. Edgelow the next day went to see her and then you have the scene I have already described. Lauchlin was present by appointment in Mrs. Rostan's house, and he was there because he was under the impression that he was about to assist in the detection of the conspiracy and to play an important part therein. By the time he got to the house Mrs. Rostan had changed her mind, and instead of carrying out the original promise whereby Edgelow was to have proof of Mehdi Hassan's attempt to suborn witnesses, she succumbed to the temptation held out by Mehdi Hassan. She asked Lauchlin to sign a document, and she said she would sign one, and Lauchlin then believed he was assisting in a conspiracy which Mr. Edgelow was to discover. But he thought to himself that it was just

possible that Mrs. Rostan might tear up her own document and produce his. Whilst he was cogitating what he should do, Mr. Boyle and Mr. Edgelow drove up, and when he heard Mrs. Rostan denying herself to those gentlemen, his suspicions were aroused, he declined to sign the document and said he would think about the matter until next morning. That is the history of Lauchlin's action in these transactions, and it was in consequence of that statement made to Lauchlin that Mrs. Rostan was arrested.

I now come to one of the most important links in the chain of evidence ; that which treats of the marriage contract, Exhibit B. It is not a difficult thing to establish more cases than one of perjury against the complainant. It was at one time a difficult thing to establish a case of forgery. But, Sir, I have now upon the evidence complete proof of its fabrication, and I shall ask you to hold that Exhibit B is a forgery, pure and simple, created in 1892 after March, for the purposes of this case and to substantiate a claim to a status which never existed. It is a curious instance of how the truth will in the end prevail. To follow out the links of the chain, starting with the assertion that the document is genuine, let us follow it to the conclusion that it is a forgery. The first point which I press upon the Court as going to show that the document is a forgery is that there is no reasonable excuse put forward by Mehdi Hassan for the absence of his relatives from the marriage ceremony. To say that his mother and his relatives were unfavourable to the marriage is to say what can very easily be said, but under the circumstances of the case I submit it requires something in the shape of corroborative testimony before we can accept it as being true. If Gertrude Donnelly was what we say she was then, we can understand the absence of the relatives ; more particularly the female portion of the family would be disinclined to receive a girl against whom it might be asserted that she was not an honest woman. But that is not Mehdi Hassan's case. He says she was perfectly virtuous. It is, therefore, difficult to see what objection there could be to his contracting marriage with her. Whatever suggestions he makes, the evidence stand thus :—He has not produced a single witness to corroborate his statement that at the time he was contemplating entering upon matrimonial relations with Gertrude, any member of his family, male or female, offered any dissent. He had not even conveyed to them any intimation of his intention. Surely, we have a right to ask him to give evidence to support his statement when he asserts there was a disinclination to receive the girl ? Up to the time of the marriage there is no such evidence ; nothing to show the fact, except this statement, that any member of

his family were disinclined to receive the woman as his wife. He has made the statement that he had preliminary correspondence with the girl to her father. Seeing that he admitted the story of her father's death was false, and his inability to produce that correspondence, I have no hesitation in saying, and asking you to believe, that such correspondence never existed. If this really was a love match, as it is suggested it was, it is odd that there is not a single trace of a letter filed in this case, as having passed between Mehdi Hassan and Gertrude either before or after their marriage. I suppose sentiment is not altogether confined to the European portion of the world, and I take it that if it had ever existed, he or she would have preserved some evidence of their interchange of mutual affection.

The second point with regard to the marriage contract is that it purports to be signed by five witnesses, two of whom are attesting witnesses and the three others, it is said, signed the document within two or three days of its execution. The two attesting witnesses at the marriage are Himyt Ali and Sujat Ali. Himyt is dead and his signature is not proved. In the first place the time at which this man is supposed to have died is involved in complete obscurity. Mehdi Hassan says he died many years ago, and Sujat Ali says three or four years ago. That of itself, perhaps, proves nothing, but it is of some little moment when taken into consideration with the fact that if Mehdi Hassan thought it wise to prove Himyt Ali's signature, he and his witnesses, would surely have some knowledge of the date of Himyt's death. This ignorance and contradiction are not consistent with any deep acquaintance on the witness' part with the details of Himyt's life or habits. Sujat Ali says the signature on the contract is Himyt's own. Sujat Ali is very instructive as illustrative of the class of witness that Mehdi Hassan has to rely on when he has to prove a fact like the document he has produced in this prosecution. Page 2 of the newly printed evidence shows that Sujat said in cross-examination :—" Himyt Ali used to sign English papers in English, and Urdoo papers in Urdoo. I have seen no document bearing his signature except Exhibit B." What is the value of a witness who says that he only saw Himyt sign once and that only in this disputed document ? He goes on to say : " Before the 20th September, I have often seen him sign English documents, money orders and receipts. I cannot remember the name of any person to whom I have seen him send a letter." He says, " we used to be always together." I submit it is impossible to accept as the truth the statement of a man who comes forward to prove a signature, and

who admits he was on friendly relations with the man, saw him write many times, and yet is unable to give me the name of a single person to whom Himyt Ali sent a letter. Sujat Ali knows as well as Mehdi Hussan that Himyt never put his signature to that document. It is a forgery, by whom I don't know, but the value in law with regard to the truth of the signatures rests on a foundation which no court could accept. Is it practical to ask us to accept mere statements in lieu of proof? I do not think the court will be disposed to place any reliance on uncorroborated testimony to prove such a vital point. Then there is the fact that Himyt Ali was in the service of the Rajah Shaban Ali Khan. The estate was a large one and it was within Mehdi Hassan's power to ask to be allowed to have access to the documents of the estate where many signatures might have been found, which could have been compared with Himyt's signature on Exhibit B. Sujat Ali cannot give the name of any person who is likely to have specimens of Himyt's signature. Sujat is a man who cannot write English and yet he comes forward and is prepared to prove the English signature, I think it is an extremely dangerous thing to put a man like that forward to prove a signature in English of a friend. At all times it is difficult to prove a signature because we know our signatures are apt to change from time to time. So much for the testimony Sujat gives with regard to the signature.

Then they bring in that fat boy Zaki Ali. You will recollect the extraordinary fiasco he made on this point. He said plainly that he had constantly seen Himyt sign both money orders and telegrams. Quite at a venture when he said that he had seen Himyt sign money orders, I suggested, without having any positive knowledge of the fact, that money orders did not exist in 1873. When he was confronted with that, imagining that I knew all about the matter, he immediately began to shuffle and ended up by withdrawing his statement as to the signatures on the money orders. Then we have another instructive fact in his evidence, which is this: I asked him how Himyt spelt his name ordinarily. He replied; "H, I or E, M, A, Y, E or A, T." If that is so, we know pretty conclusively that the Himyt Ali whom the witness knew and saw sign money orders and telegrams is not the same gentleman with whom we are familiar as having signed the contract. Because the man who signed the contract spelt his name HIMAYT. In so far as Mehdi Hassan puts forward this man as being able to prove Himayt's signature I say his evidence is worthless.

Then we come to Amir Mirza. Hitherto we had two versions of how and what Himyt Ali used to write. According to Amir Mirza, Himyt appears to be a man who used to practice words invented by himself, little English words, written on little slips of paper signed by himself, "Himyt

Ali." Amir says Himyt was constantly tracing his own signature. Himyt was also possibly practising other people's signatures besides his own, if we may believe the reports which invest his family with peculiar interest. Why he signed these little slips I don't know, nor can Amir Mirza explain. We have then the evidence of these three gentlemen whose versions don't tally with each other, and each of whose versions taken separately is not likely to make us put any additional reliance on the veracity of the witnesses who depose thereto. It is also worthy of note that Amir Mirza gave his evidence the day after Zaki Ali, and seeing the mess that gentleman had made of it, it was probably considered more safe that Amir should start a hare of his own. All I can say is that if he did he has run it to death. Himyt Ali had two brothers, one a distinguished individual, Imtiaz Ali, the Dewan of Bhopal. We know that Mehdi Hassan considered it worth his while to apply for a commission to Barabanki, Lucknow, and Rai Bareilly. Why should there not have been a Commission to Bhopal? It would have not taken a day to examine Imtiaz Ali. But no, we go past Bhopal and are confronted with men of the class of Amir Ali, Zaki Ali and Sujat Ali. Athur Ali is cousin of Himyt Ali; he is living at Lucknow, and was actually in court as one of Mehdi Hassan's witnesses and cognizant of the fact that we were challenging the marriage contract to be a forgery and Himyt's signature a forged signature to a forged document. He allowed himself, nevertheless, to be put on one side and permitted Mehdi Hassan to go to sources of information, such as Sujat Ali, Zaki Ali, and Amir Mirza. Conduct such as this is indicative of fraud. They pass Bhopal on their way down here, and come to this court and put that poor unfortunate fat boy into the box and make him perjure himself. Sujat is a parasite of Mehdi Hassan, and if Mehdi falls so does Sujat Ali. The two are one and indivisible.

The third point is this. There are three other witnesses who have put their names on the document, within four or five days of its creation. Now, it is very clear that Mirza Mehdi has some pricks of conscience, because he will not come forward to give evidence. He is alive, and Mehdi Hassan elected to dispense with his presence, and I think he was wise. Dr. Hooper was called to prove the man was not in a condition to come forward and state that his signature was his signature. Dr. Hooper said that he had examined Mirza Mehdi and found that his mental calibre was not so strong as it might be, and under those conditions he thought, perhaps, Mr. Mirza Mehdi's evidence could not be

given in Court to any good purpose. At the same time he admitted that he was physically strong enough to attend, and that he could have been brought into court without danger. I should have liked, I admit, to have tested for myself the fact whether or not Mirza Mehdi could have answered the simple question, "Is this your signature." We come next to Mahomed Hussain, another attesting witness. He stated in his examination-in-chief how he came to put his signature to the document, and then in his cross-examination in page 2 before the Barabunki Commission, he said that at that time he was in Lucknow at the Canning College and had never heard of Mehdi Hassan's engagement before his marriage! What becomes of the statement of Mehdi Hassan that his relatives disapproved of the marriage? Then again, what is the reason for this extraordinary secrecy? None of the witnesses signed the document in the presence of each other, but each at a separate time and in a separate house. (Reference to Mahomed Hussain's evidence, page 2.) What I put to you is, why did Mehdi Hassan dispense with the ordinary practice with regard to legal representatives and not have a respectable *vakil* present? If Mehdi Hassan had been anxious, as he has sworn he was, to secure undeniable evidence of his marriage, surely we should have had something more formal than the discredited shapes of Himyt Ali and Sujat Ali. If Mahomed Hussain was speaking the truth when he said that that was the first document of the kind he had signed, would not the peculiarity of that fact have made him desirous of knowing what had transpired in connection with it and what were its contents? Yet he does not take a single step to satisfy a prudent and legitimate curiosity! Why? Because he was not asked to sign it until 1892. He was, probably, told that his nephew's position and prospects were at stake, and unless some one came forward and swore to the desired facts it was more than likely Mehdi Hassan would be a ruined man for life. Upon the question of Gertrude Donnelly's apostacy from Christianity, towards the end of his cross-examination he said Mehdi Hassan's mother lived in the next house to his at Futhepore. This is one of the witnesses to prove that Gertrude was received as a respectable married woman in respectable Mahomedan society. He is a gentleman who, upon the evidence, paid Rs. 5 to see Gertrude Donnelly's back! I should say it was dear at the price. This custom denotes that the person who pays the money formally accepts the bride into his family. Upon the evidence that Mahomed Hassan paid Rs. 5 for the gratification of being allowed to see Gertrude Donnelly's back, we are asked to believe that she was received into good society. I leave the Court to judge the worth of such evidence. The

fact, however, that Mahomed Hussain paid only Rs. 5 for his privilege, supports my contention that neither he nor Mehdi Hassan came from a rich family and that, therefore, it was antecedently improbable that Mehdi Hassan would marry a woman of Gertrude's poverty. Then there is Fazul Ulla ; he came forward to swear that Mehdi Hassan's mother was not well. All that this gentleman could tell us of old Mrs. Mehdi Hassan was that he had felt her stomach through a *purdah*. They put forward this witness to say the old lady could not come into court. I asked him if he had seen her, and he replied, " I have seen her stomach." Why, how could he know her stomach ? Any stomach might have been behind that *purdah*. The identity of that portion of her person is wanting. It is a curious thing that Fazl-Ulla says that he never heard anything of the marriage before he signed Exhibit B. He could not remember Mehdi Hassan telling him about the woman, or where the marriage took place. This is one of the relations whose conciliatory advice and adoption of Gertrude Donnelly's status as a wife Mehdi Hassan was anxious to secure. Manshi Ishan Ali, the third witness, is rather an important one. (Evidence read.) Now, Sir, I submit that that is a most singular piece of evidence. If Mehdi Hassan's mother had known that he had married Gertrude Donnelly, would she have pressed it upon him, after that event, that he had arrived at that stage of life when he ought to get married ? It seems to me that that evidence itself goes far to destroy all Mehdi Hassan has ever said on that head. His mother would not have asked him to marry if he had been already married. It is conclusive on the fact that she had not heard of his marriage to his present allaged wife (page 6, Barabunki evidence, cross-examination read). It is a singular thing that Haidar Hussain, the man who sat side by side with Mehdi Hassan's witnesses before the Barabunki Commissioner, has not been called. We have Haidar Hussain proved to be assisting the prosecution witnesses in Barabunki, and alleged to have intimate knowledge of the private affairs of Mehdi Hassan's own life, yet he is not one of the witnesses upon whom Mehdi Hassan chooses to rely. Perhaps, he may be one of the crowd of rebutting witnesses. I should have thought that on the question of the marriage, they would have put this witness forward in the first instance. I submit that had this been an honest case and the issue of the marriage capable of honest proof, there would be no attempt at rebutting evidence. The marriage could, and would, have been established in chief. They would have said, " argue what you like, we have no objection ; there is nothing which is not open to all the world's investigation, and if there is anything which shows she is not my wife, you are welcome to the information." But instead of that we are threatened with all sorts of rebutting evidence to be sprung upon us at some later period of this enquiry. I doubt whether there be another recorded instance of an attempt to establish a marriage, both parties being alive, by the production of the husband alone in Court while the lady is kept out of the witness-box, and dangled before as or a possible witness in reserve.

Conceive what Mehdi Hassan's position must have been when he came back from England. His enemies here had taken advantage of his absence to circulate reports, affecting himself and his wife. That is proved because it is admitted that he received a defamatory anonymous letter put into his hands by Sir Seymour FitzGerald which he forwarded to the Minister. I intend to apply for His Excellency to come into the witness-box, for from the disclosures made by Mehdi Hassan it becomes apparent that the Minister is in a position to give information which affects the enquiry regarding Mehdi Hassan and his Mistress in 1889. A rumour is in circulation that he will decline to come forward, but if he does not come forward I shall contend that it makes our case all the clearer. Nor do I see exactly how a Minister who has advised His Highness the Nizam to come forward and give evidence in a court of law can refuse himself to follow that illustrious example, the direct result of his own responsible advice. If he does not come forward I shall be compelled to make statements by way of inference from his refusal, which I shall not do if he comes forward and gives his evidence on oath. I am anxious to enquire from His Excellency what steps were taken with regard to the letter from Sir Mortimer Durand, and publicly I ask him to step into that box and give us what knowledge he has with regard to the Durand enquiry. After the receipt of Sir Mortimer Durand's letter the first real step towards a legitimate enquiry appears to have been the reply of Major Gough drafted for, and signed and accepted by His Excellency Sir Asman Jah. We have received a letter to-day from Major Gough saying that the extract from Sir Mortimer Durand's letter has now been sent to the Minister. Major Gough has sought to evade responsibility in supplying us with that extract and has successfully placed it on the Minister. I want to ask the Minister how it came to pass that he brought himself to signing that reply to Sir Mortimer Durand? There arises this curious state of things: this, that Major Gough says in the letter adopted by the Minister that Mehdi Hassan had not been asked any question about his alleged marriage. I should like His Excellency the Minister to explain how he reconciles that attitude with the duty he owed to the Queen, to His Highness the Nizam, to himself as Minister, and to the Foreign Office at Calcutta. The Foreign Office directed that enquiries should be made. But did Sir Asman Jah make enquiries as they ought to have been made, from the persons most competent to give evidence, namely Mehdi Hassan and his so called wife? No. He makes himself—intentionally or not it remains to be seen—one of a conspiracy, of which Mushtak Hossein is the leader, for the purpose of throwing dust in the eyes of the Foreign Office and the Residency. That is a matter on which I should like to interrogate the Minister, and as to which I should like to receive his explanation

I am myself amazed at the explanation given here with regard to the course taken. One would imagine that if any person desired to know whether two other persons were married, the proper source of information would be those two other persons. But we are met with the objection, in which the other side affects to see some force, the objection that delicacy and refinement forbade application to the fountain source—delicacy and refinement on the part of Mushtak Hussain! The conjunction is ironical and indecent! We are asked to believe that Mushtak Hussain, who was admitted to be the bosom friend of Mehdi Hassan, and who was directing the enquiry so as to control what amount of evidence should be given, and from what source it should be taken, did not let Mehdi Hassan know of the enquiry, and took express precaution to conceal both the depth and the method of the investigation from the man most concerned, and who could most readily and most satisfactorily have placed the Government and the Foreign Office in possession of the truth. I am glad to think that one witness comes out of these proceedings with a clean character, and to think that at least one man has spoken the truth. Mr. Furdoonji is entitled to praise, for he has come forward under trying circumstances and spoken the truth. We may believe that he did not inform Mehdi Hassan of the Durand enquiry, for he appears to be a gentleman who would have some delicacy about such a matter. When asked certain questions, he certainly claimed privilege, but I do not blame him for it, because he was in a manner between two fires. I am glad, however, to pick out one bright spot amid this mass of dirt and filth. But I cannot conceive that Mushtak Hussain, Sujat Ali and Iqbal Ali did not mention the matter to Mehdi Hassan, that motives of delicacy could restrain the *confidante* of Mehdi Hassan, his attesting witness to his marriage deed, and the man who advised him as to his own will and the will of Gertrude Donnelly—what motives of delicacy could restrain, or ought to have restrained, such men from full disclosure of all the enquiry to the friend whose character they were concerned to defend. How were Sujat and Iqbal put forward as witnesses? How did Mushtak know that Sujat Ali and Iqbal Ali knew anything about the marriage unless Mushtak had first asked Mehdi Hassan? Iqbal Ali has, indeed, gone to the extent of saying that Mushtak Hussain had told him that he had spoken to Mehdi Hassan. So much is on the record. We know Iqbal Ali and Sujat Ali made two statements to the Minister. I trust we shall get those statements from the Minister—and we shall see that the very pith and essence of their statements lies not in what they said, but in what they did not say. The omission to refer to that most important document, the marriage contract, is fatal. No reference at all is made as to the existence of Exhibit B to the Minister. It is still fresh in your mind how Sujat

Ali tried to evade the truth. I asked him why he did not refer to the documents, and in answer, he made two statements absolutely irreconcilable with each other and with the truth. His first statement was that he had completely forgotten that Exhibit B had ever been in existence. It seems to me a contempt of court,—certainly of all human intelligence—to say it is possible for a man who was asked to state all he knew to the Minister with reference to the factum of marriage, to refer to the marriage and forget the fact of the deed, especially when he was one of the attesting witnesses. His other statement is that he did not think it was sufficiently important or had sufficient bearing on the enquiry to necessitate his mentioning it. At first he puts it down to forgetfulness which implies a want of consideration, an absence of mental effort. The other excuse implies a distinct mental effort, a recorded recollection, an attempt to weigh, and a final decision. But you cannot plead forgetfulness and remembrance at the same time. Those two statements come within three lines of each other in Sujat's evidence and show the amount of value we can attach to the credibility of that witness. Ikbāl Ali knows better than I can tell him that he was one of the most intimate friends of Mehdi Hassan, and I ask you to reject as absolutely impossible of belief the averment that Exhibit B was in existence at the time of the Durand enquiry for the simple reason that it is impossible to reconcile that argument with Mehdi Hassan's silence as to the deed in his interview with Ikbāl Ali, remembering always his close and constant familiarity with the prosecutor. I ask you also to reject the statement that Ikbāl did not communicate the Durand enquiry to Mehdi Hassan. Can we believe that Exhibit B was in existence, when we find that in 1889 occasion arose for its production and that it was not produced? Why is Mehdi Hassan so anxious to conceal any past knowledge of the Durand enquiry? Why, because he could not admit that fact without explaining why he did not produce Exhibit B. He is driven per force into telling lie after lie to support the initial falsehood of his marriage. He has been pushed step by step along the pathway of deliberate perjury, until at last I don't believe he knows what he is saying and has lost himself in the labyrinths of his own wilful deceit.

One more item, the sixth reason why the document is a forgery, and that is with reference to Mehdi Hassan's action with the Resident, Mr. Plowden. Mehdi Hassan has sworn that he only showed the Resident a printed copy of Exhibit B, and that was after the publication of the pamphlet on the 6th April, and after the shooting expedition with the Minister. I can quite understand that the Resident did not suspect that Mehdi Hassan was attempting to palm off a false document upon him, but I put it to you as a Magistrate

and a man of the world, is it likely Mehdi Hassan would have shown a printed copy of the original to the Resident if the original itself had then been in existence? Surely, he would have pointed to the original with the pardonable pride of certainty and have said, "Look at my wife's writing; see how honest she is in altering her age." But he does not do that. He shows a copy, and I venture to suggest the reason was that he had not got all the conspirators to put their signatures to the document at the time he showed Mr. Plowden the printed copy. Three of them were in Lucknow. Sujat Ali was here ready to commit any perjury, but the so-called Mrs. Mehdi Hassan was in Kashmir and this document had to be signed by her in Kashmir. She did not sign with the same ink as Mehdi Hassan signed with. Her's is signed with darker, richer, thicker ink, with Kashmir ink. I venture to put it that the true explanation of the reason why the Resident was not shown the original was that it was not ready for exposure in a court of law, and the publicity which has since been given it here.

The seventh and last reason why I say the document is a forgery, is that Mehdi Hassan has sworn it was not shown to any one before a clue to this case was obtained. What clue? I suppose he means Mitra. That fixes the time he showed the contract to the Resident. But why should he not have shown it until after the clue was obtained? The only reason was that the signatures were not before that period engrossed upon it. One sees the expenditure of ingenuity and intellect,—all wasted—upon the concoction of this document. Mehdi Hassan had to get the whole of this false publication evidence with regard to the publication having taken place on the 13th March. He wanted to make certain and, therefore, he concocted a quantity of false statements to prove that the publication took place on the 13th March, and when he had all his strings quite ready, he comes into Court and pulls the strings to which his human puppets dance. And then he comes to the Resident and says: "Here is a document showing I was married in 1873."

Last night I addressed the Court on the seventh reason why the Court should hold Exhibit B to be a forgery, and that was that it had not been shown to any one before Mehdi Hassan obtained what he calls his clue. Under that head I will go a step further. The fact is that, although Mehdi Hassan had a mother living and was anxious to obtain her consent to the marriage, he never showed her his marriage contract: and it is inconceivable that in view of the evidence that there was a quasi-reconciliation, some allusion should not have been made to this particular contract, to the mother whose assent he needed and to whose maternal forgiveness he was appealing. Nor has Mehdi Hassan shown the contract to his aunt. He has in

addition to these people a cousin named Haider Hussain. The intimacy which existed between them has already been touched upon. He is a Zemindar of Barabunki, and during the Barabunki Commission he was in court prompting and assisting the prosecution witnesses to make their statements. I submit that there were many and cogent reasons why Mehdi Hassan should have shown that contract to his cousin, or have made some reference to it. He has not shown the contract to Mr. Furdoonji, who has stated he never heard of it. That in itself is very curious, because although Mr. Furdoonji is not a particular friend of Mehdi Hassan, still the unity of interests as being servants of the same state would arouse the belief that he must directly from Mehdi Hassan or indirectly, through some other source have heard some allusion to the best evidence, if true, of his colleague's marriage. Singularly, again, the last person who has not seen it is Ikbal Ali. Until within one or two years ago, Ikbal Ali had never heard from Mehdi Hassan, or any one else, of the existence of the deed of contract.

The eighth reason why I press the document to be a forgery, is a fatal reason, and one alone upon which I would ask you to base your finding. That is the visible difference of the ink in the contract. Is it conceivable that the ink in which Gertrude Donnelly has written her name, was used twenty, or ten, or eight, or seven, or even five years ago? The ink is dark and new and has the appearance of being applied to the contract at a very recent time, and taken in conjunction with the other circumstances of the case which go to detract from the value and truth of the document, I say it is pretty clear that Gertrude Donnelly wrote her name with a different ink, a different pen, and at a different time to the ink, the pen and the time, with which and at which Mehdi Hassan put his own signature to the deed. Upon this, Sir, I must recall the Court's attention to what Mehdi Hassan has said in cross-examination and in his examination-in-chief, with regard to the circumstances under which the signatures were placed upon the contract. I omitted to put to him one sentence from his earlier statement, as to what his intentions were when he made his statement in chief to his own counsel, and when he said: "The document is signed by me and my wife. The document was signed on the occasion and at the time of our marriage. It was signed when we exchanged the words necessary to make us man and wife under Mahomedan Law." It was clearly the intention of Mehdi Hassan to make us believe that they signed the document at one and the same time. But now he has been confronted with the ink difficulty. We have heard in re-examination that it was his idea to make us believe that what he intended by that sentence was that the document was signed upon the same occasion, but not immediately one after the other at the same time. Obviously

I submit that that inference is contradicted by the plain grammatical meaning of that sentence. The very next sentence in his examination by Mr. Inverarity disposes of Mr. Mehdi Hassan's explanation. "It was signed when we exchanged the words necessary to make us man and wife under Mahomedan Law. *The corrections in the document were made before we put our signatures to it.*" If the corrections were made first, he has to get over this difficulty. He has sworn now with a view to meet the difficulty of the ink, that he brought the document, Exhibit B, to the marriage ceremony already signed by himself. If it was signed before the ceremony took place, how could it be that the alterations were made before it was signed? If the corrections were made before the signatures were affixed—and that is what Mehdi Hassan has sworn—how could his signature have been placed in the document before the ceremony, and before the corrections were made? It is quite clear that Mehdi Hassan has entangled himself irretrievably in that statement to Mr. Inverarity. I say he has perjured himself in his alternative statement that the document was signed after the corrections were made, and that he brought the document ready signed to the ceremony, before the corrections were made. Each statement is false, because there never was a ceremony of marriage, there never was a contract and the document has come into being since the 13th March of this year. But the two statements are in conflict with each other. Both cannot be true. If one is, the other is false. If neither is true, the explanation represents the mental accomplishment of a man lost to all sense of shame in his hopeless attempts to support a lie by lying records. If you compare the statement I have just quoted with the statement he makes in the information he laid before this Court, you are confronted with the most condemnatory evidence of his recklessness—this statement. "There was a written contract between ourselves. There was no other ceremony beyond the proposal on my part and the acceptance on her part before two witnesses. This was then reduced to writing and the contract executed in the presence of these two witnesses." That means that at the time Mehdi Hassan went to the ceremony the contract was not in existence in writing, and that it was drawn up in the house at which the ceremony took place. I married her according to Mahomedan Law; there was a written contract between ourselves. There was no other ceremony beyond the proposal on my part and the acceptance on her part before two witnesses. "*This was then reduced to writing.*" That means that first of all there was an oral contract, an oral proposal and acceptance, and after that the oral ceremony. The contract was then reduced to writing and they both signed. That is absolutely and hopelessly in conflict with Mehdi Hassan's statement in cross-

examination. Upon that one statement I shall be perfectly within my rights in prosecuting him for perjury.

The next point, the ninth, is a further reason why the document should be rejected. Both Mehdi Hassan and Sujat Ali, his witness, have admitted that a written contract is an unusual thing amongst Mahomedan people. Such contract, therefore, is an exception to the ordinary rule. It lies, then, with those who assert this exception to give some explanation as to why there should be any departure in the case of Gertrude Donnelly's marriage from the rule which usually obtains, namely, that there is no contract. Mehdi Hassan's explanation is this. He felt that at some possible time, he says, in future there might arise difficulties with relatives and children as to his marriage, and he felt it necessary to have written testimony of his marriage. That is Mehdi Hassan's explanation as to why Exhibit B was created. That explanation has an air of plausibility about it and one would have imagined that he would have communicated that reason to his friends, and certainly to Sujat Ali. But Sujat Ali says he never heard any such suggestion. Sujat gave a very different explanation, and a ridiculous one, too. He tells us, and only puts it by way of suggestion,—but it shows us how false his nature is for he cannot make even a suggestion which smacks of truth—he tells us by way of explanation that Gertrude probably asked that a written contract should be created so as to preclude Mehdi Hassan from marrying any other woman by reason of that written promise. I am waiting for legal authority that a Mahomedan is bound by any promise of that kind not to marry again. A written promise by a Mahomedan that he will not marry a second wife has no validity in law. We know that Mahomedan gentlemen have married English wives—Amir Ali and others—and I don't say for one moment that those gentlemen will not respect their promises that they shall be monogamists, but there is no legal foundation for such a promise and a Mahomedan wife could not sue to restrain her husband from indulging in the delight of a plurality of wives. It is absurd to suggest that Gertrude Donnelly desired the contract because she wished to restrain Mehdi Hassan from a second marriage. It is singular, even from Mehdi Hassan's own view, assuming his contention is right, that he wished to make impossible any attempts to invalidate his marriage, that he did not take precautions that his document should be evidenced by persons whose testimony in a court of law could be received with some respect. The evidence of Amir Mirza and Sujat Ali could not be and cannot be received by men accustomed to apply to human conduct those canons and criticisms which analyse human motives into their essential elements. I point to this fact, that instead of getting a respectable *Kazi* or some relation

upon whom he could rely, and whose credibility could have been accepted, Mehdi Hassan confines himself to procuring the written signatures of men like Sujat Ali and Amir Mirza, whose signatures, as I submitted yesterday, are forgeries.

The tenth reason I advance against the acceptance of this document, is the details Mehdi Hassan has given with regard to the marriage, to the preparation of the contract and the order in which the marriage and the contract respectively took place. If you will compare the evidence on page 17 with the second paragraph in the original information, you will see that his mind is clouded as to what took place on the occasion of the marriage. I don't wish to overstate the case, and I, therefore, make allowances for the time which has intervened since 1873. But I say it is impossible to reconcile those two statements, for he must before he launched himself upon a case of this sort, involving issues of life and death—for it possibly involves his retention in the British Service and his pension—have given some attention and consideration to the facts he had to prove, and have endeavoured to make his mind clear. Turn to what he says on page 17 of his first printed statement: "At the time of the marriage I read aloud that which I had written. I read my portion and then she read her's in English, both of us. Then I repeated my portion in Urdu using the word 'nika,' and then she read her sentence in Urdu, too. I used the two languages as I wanted to use the word 'nika' particularly and get her to use the word 'khubal' particularly. I, therefore, put the question and got the answer in Urdu through religious superstition. I used the Urdu to confirm the English which was the real ceremony. I began the service in English as it was her language. I attach no religious or superstitious significance to a part of the ceremony being conducted in English. Miss Donnelly did not know Urdu as well as English, she knew it a little, she understood Urdu. I think she could not have understood the sentence including 'Khubal' and 'Nika'." That means he either took the document ready written or went there and wrote it out. Compare that with his statement on the 21st July "I married her according to the Mahomedan Law. There was a written contract between ourselves. There was no other ceremony beyond the proposal on my part and the acceptance on her part before two witnesses. This was then reduced to writing and the contract executed in the presence of these two witnesses." Here he clearly indicates an oral contract reduced subsequently to writing in the presence of all parties. That is not consistent with the version that he came to the marriage with a contract already reduced to writing. One of the two statements must be false. As a fact, both are. It is not suggested that his memory is vague upon the matter. He is endeavouring

to bolster up a false case, with the inevitable result that he is landed in a series of contradictory statements. If he was speaking the truth, no such discrepancy as that would have taken place.

I come now to the last reason which I shall give at present for believing this contract a forgery. I am able to add to this long list of reasons and shall do so hereafter. The last reason I wish to bring forward, is the fact that Mehdi Hassan has inserted both their ages wrongly. That is not a slip, and I will put it to the Court that Mehdi Hassan had a reason for inserting two false ages. His reason was to make it antecedently improbable by reason of his own and her youth that she should have gone wrong with any man, or that he could have had sexual intercourse with her previous to 1873. If, as a matter of fact, Gertrude in 1873 was only in her fifteenth year, I admit there would be some strength in the argument that it was not likely that she could have been engaged to be married in 1869 to Lauchlin, or have been kept by Yusuf-uz-uman, or have had intercourse with Ruffi-ud-deen, or have been the mistress of Syed Hossein Belgrami, or have submitted herself practically to all comers. It would have been impossible so far as Lauchlin was concerned, as if she had been fifteen in 1873, she could only have been eleven in 1869. Therefore, Mehdi Hassan had a distinct object in inserting her age falsely, because if he had admitted she was nineteen or twenty, there was nothing physically inconceivable in the fact that between fifteen and sixteen she might have been engaged to Lauchlin, or have gone through stages of varying immorality. I will refer you to the evidence with regard to her age. First of all the baptismal certificate. Lauchlin will speak to it and Mrs. Gill will also speak. Shujat Hussain has also spoken to it only by way of belief and Rajah Rampal Sing has spoken to it. Braganza, Grant, and Archer have also given us the benefit of their belief with regard to her age. The evidence of their belief with regard to her age is quite as convincing as Mehdi Hassan's statement or belief. If it is true that the insertion of her age is false, and intentionally false, that fact imports into the document an element of doubt which entitles me to say it should be rejected. So much with regard to the evidence upon which I rest my allegations with regard to Exhibit B, and if I may ask and answer the question by anticipation, why did Mehdi Hassan stoop to so dangerous an act? I would answer: If we consider for one second, how much he had at stake when he came into Court, there is little room for wonder that he should have run his head into this dangerous noose of the law regard being had to his total divorce from all conscientious scruple. He was holding a high official position, and his direct and indirect emoluments were splendid. He was in the enjoyment of great dignities, he had

been sent home to England and by reason of the interest of some Baronet had been called to the English Bar and had had his wife presented to the Queen. He had further been subscribing to a pension in the British service and would have been entitled to a pension from this Government, and he hoped to rise possibly to higher dignities still. Lastly, if the case was lost he was reduced not only to moral beggary, but possibly involved in absolute pecuniary ruin. Here we have many reasons why he should tell a lie ; but putting them all together they formed such a momentum to perjury that there is little matter for surprise that he came forward to write and tell falsehood to any extent. It is also possible that Mehdi Hassan might at one time of his life—at the time when he first heard of the pamphlet—been under the impression that he would be able to arrest this case. We shall be able, in fact, to prove that he had that idea. We are instructed that he made an offer of Rs. 25,000 to Mitra to admit that he was guilty, and it is a curious thing, if true, that Mehdi Hassan should have thought it necessary, if his case was really a good one, and his facts true, instead of calling for the undefiled intervention of the law, that he should have attempted to enter upon channels of a dubious character by making appeals to Mitra's pecuniary susceptibilities. Mitra, however, assuming the statement is true, had the moral courage to refuse a bribe which meant an investment which would have secured him against poverty for the rest of his life, and has chosen to fight the case to the bitter end. That may have been one of the motives which has induced Mehdi Hassan to descend to use such instruments as Exhibit B. He was a great man under the shadow of Mushtak Hussain—I may call it the *upas* shadow for he was *defacto* the tyrant of the country—and Mehdi Hassan probably believed that so long as he had the right hand of Mushtak Hussain to support him, he could get through anything and any one. But when there was a change in the political situation, he began to lose hope. He now claims that he is not allowed to have access to his witnesses, but as a matter of fact his case was closed and all witnesses called before we heard this complaint. That complaint, however, is not true. But what right had he to complain even if it was true ? The pains and penalties he may have to suffer—they are purely imaginary—are as nothing compared to the fight we have had to overcome the illicit influence and unscrupulous power of the gang, now happily broken up, which was at one time opposed to us. We had to encounter obstacles which never would have been put aside, but for the removal of Mushtak Hussain. If any one had a right to complain, it was we, for Mehdi Hassan, whilst he was in power, threw between us and the work of ascertaining the truth, every obstacle legitimate and illegitimate which human

ingenuity could conceive. I am sorry I have not had an opportunity of cross-examining him on this point, for I should have been able to show without any flaw that Mehdi Hassan was in communication with Colonel Ludlow, both before the latter went home and after he returned : that he met him in Bombay when he returned and travelled to Hyderabad in the same train, possibly in the same carriage, and I shall be able to prove in spite of his denial that he was in communication with Stevenson during the whole of the enquiry and with Hormusjee. If I show that I shall have laid such a foundation for this man's discredit that I shall be entitled to say we must have something more from him to rely on than his mere word before we can hold his word to be true.

What are we to conceive of a man's veracity who says with regard to Colonel Ludlow's action this : (Page 2, old paper.) "I swear that the Government made no enquiry into this case so far as I know. Before I filed this complaint, the Government of Hyderabad permitted me to utilize its officers to make an enquiry. That enquiry has not, I think, been reduced to writing with the exception of the statement of the witnesses with regard to the publication. That has been reduced to writing, and nothing else has to my knowledge. The police have been placed at my disposal. Colonel Ludlow has not been placed at my disposal." There is his own letter filed by Mr. Furidoonji in which he asked for Colonel Ludlow. He has said he could not produce a copy, because he did not keep it. The reason is he perjured himself when he said that he did not apply for the services of Colonel Ludlow. On the 7th April Mehdi Hassan made an application to the Government of which he was a member and asked for Colonel Ludlow's services, and then he comes into Court and swears that he did not apply for Colonel Ludlow's services. We shall show hereafter that he did, and produce a letter in Mehdi Hassan's own writing dated the 12th April, 1892. In answer to all this part of the case we shall call evidence to prove that on the 6th April Colonel Ludlow saw Mehdi Hassan about the pamphlet. Mehdi Hassan told him he believed it was an intrigue and told Colonel Ludlow also that there was an enquiry into the matter by the Government. On the 7th April Mehdi Hassan went away shooting with the Minister, and on the 12th April he wrote a letter to Ludlow in which he said amongst other things : "My dear Ludlow, I received your application to His Excellency for leave. I have recommended it, but it was not accompanied by the usual form. Can you find the trace? I will give Rs. 1,000 for the trace if found. I hear Mehdi Ali is really in bottom; but I could

not say for certain." This is the gentleman who has been complimented by the English *Times* for his knowledge of the English language, for a mastery of English which many an Englishman might envy. On the 10th July, 1892, Colonel Ludlow met Mehdi Hassan, Forbes, and Gribble at Roughton and Byrne's in Bombay. Ludlow and Mehdi Hassan travelled back in the same train to Hyderabad. On the 20th Colonel Ludlow writes to Mehdi Hassan asking for Rs. 500, a further advance for the purpose of the enquiry. On the same day Mehdi Hassan writes to Colonel Ludlow to ask what the Rs. 500 are required for, because he was going into Court the next day and there was no more enquiry required. Yet he has stated he had no contact with this case until it was launched before Your Worship. Again, upon the same day, the 20th July, a letter was sent to Mr. Stevenson to write to Forbes before 5 o'clock, to give him the address of the witnesses in Madras and Ajmere ; and the last point is that frequently after his return from England, Colonel Ludlow was in communication with Mehdi Hassan about the case. I will prove that throughout this enquiry from its inception to its termination, Mehdi Hassan was familiar with every detail of the Government enquiry and Stevenson acquainted him of every step the Government had taken. Stevenson was essentially acting for the Government. Mehdi Hassan as a member of that Government was entitled to the information. I should like to hear Mr. Hormusjee, the confidential go-between of the Government and Mehdi Hassan, trying to explain away the many conversations he must have had with Mehdi Hassan in his dual capacity as solicitor to Mehdi Hassan, the private individual, and to Mehdi Hassan a member of the Government. But why should not Hormusjee tell Mehdi Hassan of what had taken place ? Mehdi Hassan admits that he and Hormusjee had communication, both oral and otherwise, but with this qualification that Hormusjee never said anything about the Government enquiry. This I shall ask the Court not to believe. Mehdi Hassan states on page 4 of his evidence that he was on familiar terms with Colonel Ludlow, and further on says : " I have never ascertained from Stevenson what Colonel Ludlow has done in this matter." Again, on page 11 he says : " I knew Ludlow was making enquiries. Before Colonel Ludlow sailed for England I did not place myself in communication with him or he with me." I will produce his letter of the 12th April and show that in that direction he has committed perjury. There is absolutely nothing which he says on which you can rely. Colonel Ludlow sailed for England on the 19th April. On the 12th Mehdi Hassan wrote a letter in which he says he discussed the matter with Colonel Ludlow on the 6th. Again on page 13 of his evidence he says : " I don't know that Colonel Ludlow has ever

written to Faridoonji to make enquiries about Shujat Ali." We know the terms of intimacy which existed between Shujat Ali and Mehdi Hassan, and that they were such that Shujat was asked to make a declaration to the Government during the Durand enquiry, on the factum of the marriage, and therefore I ask you to believe that he would have communicated the facts and the substance of his communications to Mehdi Hassan. What Mehdi Hassan means when he says he is disappointed with Hyderabad is that he is disappointed that the truth is at last coming out in its entirety. The next page of Mehdi Hassan's evidence in which he touches upon Colonel Ludlow is page 13. He says : " I swear that the Minister did not tell Colonel Ludlow that he was to find the author or authors of the pamphlet ; the Minister did not tell me what he told Colonel Ludlow." I trust His Excellency will give me an opportunity of asking him a few questions on that point. If as Mehdi Hassan says they travelled in the same railway carriage after he had given instructions to Colonel Ludlow and the Minister asks us to believe he did not communicate those instructions to Mehdi Hassan I for one shall ask you not to believe the Minister, especially as Mehdi Hassan had on the evening of the 6th himself interviewed Colonel Ludlow. He says on the same page " I was anxious to discover the author or authors. The Minister was my friend.....I was aware that Colonel Ludlow had spoken to Sir Asman Jah about the pamphlet I am on friendly terms with Colonel Ludlow. I don't remember if I asked Colonel Ludlow anything about it, or whether I gave him instructions. I did not think these matters very important as the Government were supporting me." There was no room for tears then when everything seemed *coulour de rose*. Mehdi Hassan was then happy, but the moment he was told that the same facilities for meeting the case were going to be given to both sides, he felt a little disheartened and wanted to go away under terms of a dishonourable compromise. Mehdi Hassan's conduct shows his anxiety not to charge Mitra fairly and with the light of publicity on his past life with the truth of the pamphlet. I think I shall be able to satisfy the Court that instead of doing what an honest and honorable man would have done, he did everything that such a man would not do, and ought not to do. He wishes us to believe that the only thing he did to protect his honour was to give instructions to Hormusjee, and nothing more. As a matter of fact that is not true. On the 12th April we have his letter offering Rs. 4,000 for a trace. Why does he come forward and swear this falsehood ! Because he felt that it would not do to let it be known that he was himself mixed up with Mushtak Hussain in the Government enquiry. His object was not 'so

much to preserve his honour as to keep his office and secure his pension. With him, "the jingling of the guinea heals the hurt that wounded honour feels." He says further on that all the Government did for him was to lend him the services of Mr. Stevenson, and that he was not aware of Colonel Ludlow's telegrams to the north of India. Again he says that Hugh Gough handed over the files to Furidoonji, who never gave him a note of warning. That is possibly true and I have no doubt Mr. Furidoonji will be able to rejoice at the fact of keeping pretty clear of so much dirt, because he and Mehdi Hassan never appear to have been very great friends. Mehdi Hassan then makes a very important statement that he never heard of Ludlow's telegram of the 14th April to the Collector of Bandha. That is the telegram sent in connection with Yusuf-uz-Zaman and it is one of the most material parts of my case. He swears he never heard of it when he himself has produced and we have filed that extraordinary series of letters Exhibits 2 to 3 A. The letter dated 15th April, 1892, from Yusuf-uz-Zaman to Mehdi Hassan states that he has been examined in consequence of a telegram from the head of the Police here. With that letter in his possession Mehdi Hassan had positive evidence of the fact that Yusuf-uz-Zaman had been examined in consequence of a telegram from Hyderabad. Mehdi Hassan comes into Court and takes his oath that he was not aware that a telegram had been despatched by Colonel Ludlow. On page 14 Mehdi Hassan says :— "I don't remember who told me that the police had been enquiring about Nissar Hussain. I don't remember when or where I was told. It was in Hyderabad. I did not hear that Colonel Ludlow personally had been enquiring about Nissar Hussain. I have not heard that Colonel Ludlow was informed by the Superintendent of Police at Lucknow that Nissar Hussain was in Mecca. I heard that our police were informed that Nissar Hussain was not in Lucknow. I do not remember if I heard that he had gone to Mecca. I am not aware that on the 8th April Colonel Ludlow wrote a letter to the Judicial Commissioner at Lucknow asking for additional information about Nissar Hussain. I don't know if Colonel Ludlow asked the Judicial Commissioner at Lucknow to ascertain whether Nissar Hussain knew Gertrude Donnelly. I don't know that Mr. Furidoonji wrote to Mr. Gough (who was acting for Colonel Ludlow officially) and told him to wire to Lucknow that no more information was wanted. I don't know that Mr. Gough wired as requested." Now turn to his re-examination on page 23. Mehdi Hassan there says :—"I have enquired since my cross-examination whether I suggested Colonel Ludlow's name as a fit and proper person to make enquiries. I have ascertained that I did suggest him. Mr. Stevenson was the officer

whose services were actually⁹ lent. I had no knowledge of the enquiries made by Government on their own account. Nothing passed through my office with reference to such enquiries. In the ordinary course they would have passed through my office." Never passed through his office! Why Musthak Hussain was his human post office, and it is childish to ask us to believe that he was not on sufficiently confidential terms with Musthak Hussain to hear the details of this transaction from him. These are all the references to Colonel Ludlow, and I think they make a tolerably complete answer to Mehdi Hassan's denial that he was aware of the fact that Colonel Ludlow was making enquiries. And the answer is complete with regard to the fact that Mehdi Hassan was never in communication with Colonel Ludlow or Colonel Ludlow with him with reference to these enquiries.

We shall be able to prove that Mehdi Hassan has been spending large sums of money locally for the purpose of securing evidence. At the best of times, even if it is done innocently, as in the case of Sajit Beg, it is an unwise procedure as it lays open those guilty of it to a charge of bribery, and the contention that witnesses have been led away, by the desire to make money, from the paths of truth. It is an exceedingly important fact to know that a man, who unfortunately for myself bears the same name as I do, Norton, has been paid so much as Rs. 2,100 for procuring what is called publication evidence. That comes from Mehdi Hassan's private purse, and in addition the Government have paid money through Stevenson. This connection between Government as a body and Mehdi Hassan as a private individual can be fully established. Touching the direct testimony I intend to call with regard to this, and the direct testimony with regard to Gertrude Donnelly's immorality, I will refer to both matters in detail later on. You have heard the purport of the evidence Lauchlin intends to give. He will prove that he was engaged to Gertrude Donnelly and was on unduly familiar terms with her, and that her father was a drunkard and that Gertrude Donnelly used to drink with him. He will tell you as a matter of fact that after he had actually arranged to marry her, improper intercourse had taken place between them, and also prove this, the most fatal charge against this woman's character, that the reason why Lauchlin broke off the engagement was, that he actually found her on incestuous terms with her own father. That is an extraordinary and terrible statement to make, if it were uncorroborated, but it is corroborated by the statement made on oath by Mrs. Gill, and with regard to that Mr. Edgelow will prove the date at which Mrs. Gill was first secured, and the date at which Lauchlin was secured, and further prove that

there was no communication between Lauchlin and her, the one giving evidence independent of the other. Mrs. Gill has not seen Lauchlin for the last 15 years. The story with regard to the corroboration is singular, and we will show the dates at which Lauchlin and Mrs. Gill were respectively secured. The first witness we secured was Lauchlin, who in the course of his statement made us acquainted with the fact I have mentioned, and also stated another fact which has also received confirmation. He told us that after his engagement with Gertrude Donnelly, Mrs. Donnelly went to Cawnpore and that she died at Cawnpore. Gertrude was not present at the death of her mother and was anxious once more to see her body. She went to Cawnpore and had Mrs. Donnelly's body exhumed and she looked once more upon her mother's face. Lauchlin made that statement to us, and it sounded very peculiar : but the story was confirmed by Mrs. Gill, who said Gertrude, by her own statement, was present at the time the body was exhumed. The history of Mrs. Gill is curious. Mrs. Gill had been at Colonel Abbot's school as a girl—I think she is younger than Gertrude ; that is proved by Mr. Sykes, the third witness for the defence. What happened is this. Mr. Edgelow will say that in the course of our enquiries to ascertain at what time Gertrude went to school, Mr. Sykes was called upon. Mr. Sykes has been examined and his evidence is recorded. At first there was not much hope of procuring evidence as the school, at the time Gertrude Donnelly attended it, was under a committee of ladies, and we know that ladies don't take as much care of documents as men, but fortunately after two or three days, Mr. Sykes sent me a report of the Lucknow Girls' school for 1866, and a most important document it is : for it first recites the fact that Mrs. Donnelly was matron at that time, and the circumstances under which Gertrude lived at school at that period of her life have been detailed by Mrs. Gill. At page 6 of the report Mrs. Donnelly, the matron, is complimented for her management of the institution. At page 9 we find a list of girls winning prizes. Now according to Mehdi Hassan in 1873 Gertrude Donnelly was 15, so that in 1866 she must have been 8. Yet we find Gertrude at that tender age put in the highest class of the school, and gaining prizes, and especially for grammar and the Holy Scriptures! She is stated to have been seventh on the list in Scripture out of ten girls. Again we find on page 10 the statement that Gertrude passed a creditable examination in English grammar. At the tender age of eight, Gertrude was seventh of ten in the scriptural examination, and third in English grammar, and in the first class! She certainly must have been a prodigy, if at the age of eight she was such a mistress of English grammar and holy writ! The discovery of Mrs. Gill

was peculiar. On page 11 there is a long list of the girls attending the school. On running through that list, it was asked what had become of the various girls, and at last we come to the name of Luckerstedt, and it was discovered that she was married to a man named Gill. Mrs. Gill was thus discovered and she was first examined by Mr. Sykes who placed us in possession of the facts. We then examined Mrs. Gill and she turned out to be a most important witness, because no attempt could be made by the prosecution to show that Mary Gill is a woman, who in her past or present life has been guilty of deviating in the smallest way from the paths of virtue. She never attended for examination except when accompanied by her husband. Mary Luckerstedt was born in 1855 and is one year younger than Gertrude Donnelly. They were both at the school in 1866. With regard to Gertrude, Mrs. Gill says for her age she was a big, fine girl, and at that early period of her life seems to have developed a fancy for native clothes, because she walked about her room with the sheets of her bed tied round her after the fashion of a native girl. The seed seems to have been sown young, and to have fallen on fruitful soil! At that time, also, there appears to have been a latent tendency to that, which afterwards unchecked, developed into vice in Gertrude's character, because we hear of her flirting with boys of her own age and going into a room with them which was never entered by the other girls, because it was said to be haunted. Into that room Gertrude used to go and there was a rumour in the school that she used to go into that place with the boys for some wicked purpose. I touch upon that to show the reputation the girl had amongst her schoolfellows at the time she was a girl. In consequence of Gertrude's conduct, Mrs. Gill's mother, who had been very kind to Gertrude, forbade her daughter to have any further association with her. What stronger evidence could you have with regard to the repute in which a young woman was held than the treatment of the persons who came most into contact with her. So time passed. She appears to have disappeared altogether from Lucknow for some time. One day, and that is the important part of Mrs. Gill's evidence, Gertrude Donnelly sent a message to Mrs. Luckerstedt, and that lady and her daughter visited Gertrude. The house to which they went was that of Mrs. Dubois. Mrs. Luckerstedt with her daughter Mary went to visit Gertrude Donnelly. Gertrude threw herself crying into the arms of Mrs. Luckerstedt and complained of the fact that her father was a drunkard and that he used to make her drink, and whilst in that state took indecent liberties with her. That comes straight as being from the lips of Gertrude herself in the shape of an avowal to Mrs. Gill's mother. "Gertrude Donnelly said

her father had taken liberties which he ought not to have taken, and she wanted my mother to take her to our home, but my mother refused." Those are Mrs. Gill's words. The rest of the story is equally important. Gertrude then told Mrs. Luckerstedt about the body of her mother being unearthed at Cawnpore, and that the mother had been found with her face downwards and the tongue hanging out, and that there was a fear that the unfortunate woman had been buried alive. If these statements are true, the statement of Gertrude's own avowal of her enforced unchastity and the statement of the finding of the body, is it not an extraordinary coincidence that they have been corroborated by Lauchlin who made a statement with regard to the same facts, and whom Mrs. Gill had not seen for fifteen years ? Mrs. Gill says : " My mother spoke to Gertrude about the life she was leading. She was then about the age the photograph represents." It was possibly a photograph showing she was 15, but not in 1873. Mrs. Gill's evidence is perhaps our strongest with regard to the antecedents of Gertrude. Upon Mrs. Gill and Lauchlin I mainly rely. Their evidence supports, strengthens and corroborates the story of each.

The next witness is Yusuf-uz-uman, and he is a most important witness, and is one who has been brought into Court by no agency of ours. Had it not been for the splendid indiscretion of Colonel Ludlow when he enlarged his enquiry so as to deal with the truth or otherwise of the facts in the pamphlet, had it not been for that, we should not have ascertained the truth so far as this man knew it. Colonel Ludlow, so the Government said, exceeded his instructions and in consequence we are in possession of the facts contained in Yusuf-uz-uman's statement. On the 7th April we know the Minister, according to Mr. Furdoonji, gave instructions to Colonel Ludlow at the railway station before he went on his shooting expedition. On the 8th April Colonel Ludlow writes a letter to the Deputy Commissioner, Bandha, and on the 13th April he gets an answer by telegram. On the 14th Ludlow telegraphs to know if Yusuf-uz-uman knew Gertrude Donnelly. On the 15th a reply is received from the District Magistrate. On the same day the Collector writes a letter giving Colonel Ludlow and through him the Government and Mehdi Hassan, the full proof of Yusufs knowledge. And what do the Government do ? Burke the enquiry, and direct all further investigation to cease ! Those are the communications which passed between Colonel Ludlow and the Collector of Bandha. It is a most important fact that Yusuf-uz-uman, at a time when he was untouched by us, when we had no knowledge of what he was going to say, and when he was approached by persons

not under our control, and who had given us no previous notice on their part of their intention to examine Yusuf-uz-uman, goes and makes such a statement, absolutely free from any influence of ours, of this nature to the District Magistrate. What more convincing arguments can you have to the truth of the statement than the fact that when Yusuf-uz-uman was called upon to make this statement he told the story which he has subsequently repeated? It could not be suggested that Sarvar Jung, or any other Jung, had been able to exercise any pressure on this man, Yusuf, with a view of influencing or in any way controlling his answer. The whole of his evidence shows just the reverse, and proves conclusively that he made the statement without any knowledge on our part that he was going to make it. The next matter is the letter from Yusuf-uz-uman dated the 15th April, to Mehdi Hassan (Exhibit 2). It is a most important document, as it is the first intimation that any one had received of the fact that Yusuf-uz-uman had made any statement.

BANDA, N. W. P., INDIA,

The 15th April 1892.

MY DEAR MEHDI HASSAN,

You might have forgotten me and my name, but I still remember you all the same. Holding a slight hope that you cannot miss me altogether unless transformed, I venture to narrate a little incident of this morning.

Yesterday I received a message from the Magistrate of district desiring to see me early this morning on some important matter. I could not possibly imagine what it could be. However, I did see him at his house. He had long telegram in his hand when I presented myself, which he said he had received from Allahabad. He asked me whether I knew one Gertrude Donnelly, living in Lucknow near Mirza Abbas Beg's house. I was not at all prepared to answer this abrupt interrogation. I cannot possibly guess the cause of this enquiry after 20 years. You might be connected with the matter also, as I am sure your name was also mentioned in the telegram. How the matter is turned up, or how it affected you, were beyond my comprehension. Who the devil told my name to the enquiring authority I am at a loss to find out. If you think it at all important you might throw some light on the subject.

Yours most truly, .

(Signed) S. M. YUSUFFOOZ ZAMAN,

Honorary Magistrate, Banda City.

To

NAWAB M. MEHDI HASSAN SAHEB, .

Hydrabad Deccan.

What does that letter mean? It is from one who had been a great friend of Mehdi Hassan's and who had reason to suppose that in some way the statement he had made concerned Mehdi Hassan. He, therefore, takes the trouble, out of kindly feeling, to write down and warn him that something is being asked. But there is nothing in the letter which suggests that he did not know the true facts of the past history of Gertrude's career. Before this letter had been despatched, Exhibit 11, Yusuf's statement to the Bandha Collector, was in writing, and the statement had been communicated to the Government here both by telegram and writing. Mehdi Hassan was not in Hyderabad when the letter from Yusuf arrived, but he replies on the 23rd, and this is what he says.

THE ABBEY,
HYDERABAD (DECCAN),
23rd April 1892.

MY DEAR YOUSUF,

I am out for tiger shooting with His Excellency the Minister, and therefore I got your letter of the 15th April only to-day. You cannot imagine how pleased I was to know that though twenty-three, or perhaps more, years rolled away and you still remember me. I assure you I often thought of you.

The painful subject to which you have alluded in your letter and said that you were surprised when the District Magistrate asked you about a certain lady whom you did not remember at all, did not take me by surprise. During my absence to Cashmere, some local potical (*sic*) enemies of mine circulated a most scandalous and venomous pamphlet, coward as they were, they attacked the reputation of my wife, who never did harm to anybody and whom I had married in 1873. I was surprised to find in this pamphlet your name, connected with some disgraceful things. It is possible that on account of the mention of your name, you might have been asked. I am very glad you gave me that information, and I am thankful to you. The police is hunting the author, and I am sure the case must go to the Court.

Well! all this will be over soon, but I am indeed very glad to hear from you, and I hope some time you will pay a visit to Hyderabad and stay with us.

Trusting you are well,
Yours very sincerely,

MEHDI HASAN.

" Asked about a certain lady whom you did not remember at all." Mehdi Hassan could not even write a letter without telling lies. But you see the crafty hint it contains throughout. It is foolish, for he cannot carry it far enough. This letter for Mehdi Hassan is rather clever, except that it shows the cloven foot, or rather the cloven hand, because he could not answer a letter without incorporating statements and facts which did not exist. " Whom you did not remember at all." Yusuf-uz-uman would understand that hint. It meant " Yes, you are quite right about Gertrude Donnelly ; say what you like about her ; but you don't know whom I have married. You have never seen my wife, and you can fairly go into a court and say you know nothing about my wife, and can clear her character of evil reputation because you have never seen her. There is no identity between Gertrude Donnelly and my wife. You don't know I married her." Yusuf being kind, adopted that hint. The suggestion in that letter is as plain as a pike-staff that this gentleman should confine himself to the statement that for all he knew Mrs. Mehdi Hassan was a woman of the most pure and flawless domestic character. Then Mehdi Hassan writes Exhibit 2 B, dated 1st May.

THE ABBEY,
HYDERABAD (DECCAN),
1st May.

MY DEAR YOUSOOF,

I just returned back from tiger shooting. The telegram to the Magistrate of Banda and the Judicial Commissioner of Oudh was from Colonel Ludlow, our Inspector General of Police, according to my own instructions ; because your and Nessar Hasan's names appeared in that fictitious pamphlet. I should like to know your detailed reply to the Magistrate ; will you kindly let me have it. I and my police are after the author of that pamphlet. A disgrace to the nation, the scoundrel attacked the honour of a woman.

Trusting you are well,

Yours ever,

(Signed) MEHDI HASAN.

" Was from Colonel Ludlow according to my own instructions." Mehdi Hassan tries to explain that fact away by saying he referred to Colonel Ludlow as a nebulous individual, as the head of the police, and the man he really meant was Stevenson. Stevenson and Ludlow ! why they don't even rhyme ! It is extremely difficult to know how he couples these gentlemen together ex-

cept by the mathematical proposition that the greater includes the less. Mark this—Mehdi Hassan has sworn he was never in communication with Ludlow about the Government enquiry in this case, and here is a letter in his own hand flatly confronting him with perjury ! *Sic omnia*. Yusuf-uz-uman replies to that letter, Exhibit 2 C, a letter Mehdi Hassan has sworn he never received. I will read it, and then tell you why he denies the receipt of this letter.

LUCKNOW,
The 10th May 1892.

MY DEAR MEHDI HASAN,

It is a rumour here that Mr. Plowden, your Resident, is much against you and Mushtak Ali. How far he can injure your interest in the State is a question that can hardly be answered by us. All your acquaintances condemn you on your taking her out of *purdah*. The scandal has spread far and wide. She must be a bold woman if she still persists in moving in the high circle. Who the fool advised you to press for a commission to investigate the scandal without any preparation of any kind. Her previous conduct in Nanpara and Lucknow was no secret from you or her. Many persons are still living who knew her intimately, and as you raised your head above the common level, she acquired greater notoriety. I am sure I saw her photo in Hindustani dress, but I cannot tell you in whose possession that sacred treasure could at present be. Surely it is not in my hand or I would send it to you to destroy it.

It is true that 20 years passed away, but she did not pass these days in oblivion. Your enemies were certainly behind the bush and in ambush to spring upon you both when you were least prepared.

Something is, I hear, said in that pamphlet of her relations to late Salar Jung. If the former story which was of public nature might be falsified or disproved, the latter might pass as fictitious and false. But the case, I am sorry to observe, is quite different now. It is now erected on firm basis. I fear you cannot extirpate it. You would have lots of evidence independent and more reliable against you. Soojaat Ally must have said what his conscience dictated him, and so did others who had any shadow of it left in them. Yourself being the best pair of judges would no doubt consider him as honest, truthful and conscientious man, who made a true statement after due deliberation, and others as perjured set of most deliberate liars who tried or attempted to drag you down. Is this a fact ? I would like to believe it.

and be told so. Poor Syed Hoossan knew nothing more than His Highness the Nizam himself about this nasty affair. I wonder why he or his younger brother are referred in the pamphlet. They might have this whispered in their ears when you reached with this precious commodity in stock, and exposed it to the public view.

Yours ever the same,

(Signed) YUSOOF-UZ-ZAMAN,

Honorary Magistrate Banda City.

You must have received a letter of yesterday from me. I have duly received two letters from you.

(Signed) YUSOOF-UZ-ZAMAN.

The letter was sent in duplicate, one copy to Mehdi Hassan, and one to Sarvar Jung, who had then come upon the scene. How did Mehdi Hassan deal with this? He would not dare admit he received a letter of that sort unless he was a truthful man. Which he is not. Mehdi Hassan's first reference to Yusuf-uz-uman is at page 4 of his old cross-examination. He says, "I did not ask him if there was any truth in the statements in the pamphlet." Of course he did not because Yusuf had already told him there was truth in it, and to have asked such a question would simply have been a work of supererogation. "Neither the Government nor any member of it have to my knowledge been in communication with Yusuf-uz-uman." I have already read from his letter his statement that it was Colonel Ludlow who sent off the telegram. Mehdi Hassan goes on to say, "I am pretty sure I received no reply. I really cannot recollect, but I think not. I did receive a letter from Yusuf-uz-uman, but not an answer to any letter from me. I remember that it was useless. I don't remember whether I kept the letter; I might have it. If it is in existence it will be at my house, and I will produce it to-morrow if I can find it. I know Yusuf-uz-uman's writing and signature." I will prove from the evidence that Mehdi Hassan did receive that letter, and deliberately perjured himself when he swore he did not. The next reference to the matter is at page 6. "I never asked Yusuf-uz-uman if he had improper intercourse with Mrs. Mehdi Hassan." It is obvious that these two letters of the 23rd April and May are both intended to be answers to Exhibit 2. Then comes Exhibit 2 D, a letter from Mehdi Hassan to Yusuf.

HYDERABAD (DECCAN),

16th May.

MY DEAR USOOF,

Many thanks for your very kind letter. Do not be anxious, it is no judicial case. You are perfectly right in saying that you do not know my wife.

Trusting you are quite well, thanking you again for your very kind expressions.

Yours very sincerely,

(Signed) MEHDI HASAN.

To what's in this letter a reply except to Exhibit 2 C, the letter of Yusuf, dated the 10th May, which Mehdi Hassan swears he never received ? To admit receiving the disputed letter, was to admit the truth of its contents. Mark the dates of these letters. Mehdi Hassan's letter, which I have just read, is dated the 16th May, and Yusuf-uz-uman would get it about the 20th May, and on that day he replies, and more than that on the envelope of Exhibit 2 D Yusuf-uz-uman has written "20th May 92." This fixes the letter to which Exhibit 3 is an answer. Yusuf writes, "I can positively assert I know nothing against the private character of your wife." Quite true, he does not know who that wife is, there is nothing to connect her with Gertrude Donnelly, the woman who was engaged to Lauchlin, and whom Yusuf-uz-uman had kept for a month or six weeks. But it is evident he says "don't confront her with me, or I shall be obliged to say who she is." It is a beautiful activity with which Yusuf accepts friendly hints. He says :—

BANDA,
The 20th May 1890.

MY DEAR MEHDI HASAN,

Your kind letter to hand. In reply I can positively assert I know nothing against the private character of your wife, whom you said you married in 1873.

I certainly saw you in 1872 in the house occupied by Mrs. Hodges. I cannot positively state who else went to her. I had no valid grounds to know all her private acquaintances. I might have thought you had any intimacy with her.

I had nearly forgotten these names, and I was quite astonished to hear these names pronounced from the mouth of the Magistrate after full 20 years.

Yours ever the same,
S. M. YUSUFFOOZ ZAMAN.

Mehdi Hassan has never answered that letter, and I want to know why ? Because he is challenged with the assertion that Yusuf saw him go to Mrs. Hodges. He was afraid to put the question he was invited to put, and then he comes forward and states on oath that he never received Exhibit 2. I trust he will be able to explain away Exhibit 2 D. We know that it was sent by hand, through the brother of the High Court Judge, Ali-ud-din. There was a great deal of hesitation and fencing about this fact on the part

of Mehdi Hassan when I put the question to him. He could not remember his name at first, but still he was on such terms with him that Ali-ud-din had called to say "good-bye." I suggested the name myself when he admitted that it was Ali-ud-din, brother of the High Court Judge. Do you believe the story Mehdi Hassan tells us about the delivery of this letter, that his visitor accidentally told him he was going North? We know Ali-ud-din does not live at Bandha; that one of the witnesses has sworn to. Mehdi Hassan wants us to believe that Ali-ud-din went to Bandha in the ordinary course on his way home. Such is not the fact. Ali-ud-din went there under instructions. Mehdi Hassan tried to corrupt Yusuf-uz-uman to make him withdraw that statement he had made to the Magistrate, and we shall have testimony to show that when Ali-ud-din went there he tried to exert influence over Yusuf in order to get him to modify, alter, retract, withdraw, or limit the force of his statement. But fortunately for us it had been committed to paper by the Magistrate, and there was no getting out of it. Yusuf's moral character was fortified by the fact that there was a District Magistrate behind him. Yusuf is, I maintain, a truthful witness, but we had this other additional satisfaction, he could not tell a lie because the Magistrate had tied him down. With regard to this letter it is a very singular thing that Mehdi Hassan, who had already written two letters to Yusuf-uz-uman, Exhibits 2 A and 2 B, both of which were sent by post, should suddenly find it necessary to take advantage of the accidental visit of Ali-ud-din for the purpose of entrusting him with this letter. It is obvious there is something behind that does not meet the eye at first. What was it? Was influence being brought to bear on Ali-ud-din for the purpose of getting Yusuf to limit in some way the severity of his statement? I do submit that it is a most extraordinary thing, first that Mehdi Hassan should have denied Exhibit 2 C, and then allowed Exhibit II. d to be filed as in answer to some document not forthcoming in answer. Unfortunately for them, however, Yusuf-uz-uman is a man of business habits, and files all documents he receives, and keeps copies of all he sends, and he has been able to supply this deficiency. This much I have to say with regard to Mehdi Hassan's correspondence with Yusuf-uz-uman upon this particular branch of the case. I intend to put Yusuf in the witness-box, as he is one of the most important direct witnesses to the impropriety of the conduct of Gertrude Donnelly. He will tell us that for something like a month he had intimate relations with her, and that she was paid for it, and that he used to go to her father's house, and that the father was cognisant of the sort of life both daughters were living.

He will also tell you that Rafi-ud-deen was to his knowledge familiar with this girl. There is also the ocular proof of Rafi-ud-deen, who on one occasion saw Gertrude Donnelly in bed with Yusuf. I shall call Rafi-ud-deen. His position is somewhat curious ; he seems to have been a man who for some years past has applied for an appointment under Mehdi Hassan in this State, and up to this time he has been treated as a man to whom an appointment should at some time be given. The communication between Rafi-ud-deen and Mehdi Hassan begins on page 4 of the old evidence. Rafi-ud-deen's letter is filed (Exhibit 4). He was also one of those people who had been communicated with by the authorities here, but his position is different to that of Yusuf-uz-uman. The question put to Rafi-ud-deen was different. A telegram is sent on the 15th May from Colonel Ludlow to the District Judge's office Rai Bareilly, and enquiries were made whether Rafi-ud-deen was acquainted with the publication, and if acquainted with the publication, was he the author of the said pamphlet, or did he know who the author was, and could he give the author's name. The only question was the authorship, and not the truth of the statements contained on the pamphlet. Rafi-ud-deen sent a reply. (Reply read.) The letter proves that this man and Gertrude were acquainted with each other some years ago. That is the key-note. The point is, "If she still remembers me." We can see the pathos of the old lover breaking through the humiliation of the suppliant. He was thinking of the time when she submitted to his embraces and the ascendancy of Yusuf-uz-Zaman in her affections. Rafi-ud-deen says, in his next letter, Exhibit 5, dated 1st May, "You say the case must go to Court ; I fear you are ill-advised. I for one would never advise you to do so ; you could not gain by such a step and may lose much." He realised that he would not get the office he was seeking. Again he says : "The reward offered is a large and tempting sum, Rs. 5 000. I am sure you will succeed in finding the man out, even I feel tempted to disclose him, if I was sure of getting the money." He knew Mehdi Hassan almost as well as we do. He mistrusted him and wanted, in his wisdom the money down. This did not suit Mehdi Hassan. It never did. There are only two letters upon the record as having passed between them. Rafi-ud-deen will come into the witness-box and tell the story of his intimacy with Gertrude Donnelly, and also, if I am not mistaken, between Gertrude Donnelly and Mehdi Hassan. The last direct evidence to this woman's immoral character is Archer. I have already told your Worship what his evidence discloses. I take it that in seeking for evidence with regard to a woman's past immorality we must take the evidence from

the class of people amongst whom she lived. It is not possible to go to a high stratum of society for evidence of this kind. I will not say that the higher classes of society are not addicted to sport of that kind, but their lips are sealed. *Noblesse oblige*. It is false doctrine possibly, but it is potent doctrine. It is no argument against this man's statement to say that he is a man of bad character ; it is much more likely that two persons of bad character will cohabit, than two persons one of good and the other of bad character. The evidence is abundant and conclusive that Gertrude Donnelly before she became the companion of Mehdi Hassan, was a girl of the worst description. I am sorry to put it plainly, but I say advisedly of the worst, because if Lauchlin's evidence is to be believed, and it is difficult to discredit it in the face of Mrs. Gill's evidence, the reason why he broke off the engagement with Gertrude was because he saw her in bed with her own father. I think there are scarcely any words in the English language which are too severe to use in a case so bad.

I propose to-day to deal shortly with the statements made by Mehdi Hassan with regard to the question of the publication, for two reasons, first of all, to show that learned counsel in opening the case made it one of his points that the publication was intended to have political influence ; and secondly, to show that Mehdi Hassan has made a deliberate misstatement with regard to the publication, which he knew at the time was false. I will quote from the report of Mr. Inverarity's speech, which I believe he has admitted to be correct. He says as follows :—" The proper course would be supposing the writer to be actuated by the motives alleged in the pamphlet, to report the matter to the Nizam, to the Minister, or to the Resident instead of posting large quantities of the pamphlet from Bombay to Hyderabad to every official and every Mess and Club, and to other parts of India. The object was, of course, a political one to ruin Mehdi Hassan, and through him to ruin the Nizam's Ministry. It was of course known that Mehdi Hassan was not at the time in Hyderabad, and we all know that if a lie has half an hour's start the truth seldom overtakes it." Of course it is quite clear that at the time Mr. Inverarity made that statement, he intended to convey that Mehdi Hassan was not in Hyderabad, that when this document saw the light he was away, and addressed, an appeal to you, Sir, intended to show it was a cowardly attack on a man when he was not present to defend himself, and not in a position to repel or explain the allegations. On page 2 of the original depositions you will see Mehdi Hassan states, " at the time the pamphlet was published I was in Kashmir

and my wife was with me." I maintain that the only possible object in making that statement was to make it appear that, whoever was responsible for the publication of the pamphlet, he had taken advantage of Mehdi Hassan's absence to attack his character behind his back. On page 3 of the cross-examination, in the opening lines, Mehdi Hassan gives this explanation : " The pamphlet was legally published while I was in Kashmir. By legal publication I mean when the manuscript was sent to Connor in the hospital, which I learnt yesterday was in March when I was in Kashmir. I believe the pamphlet was circulated when I was on my way back from Kashmir, or on the same day that I returned." This is a complete renunciation of his former statement. He makes an appeal to the public and endeavours to take up a sentimental position. The facility with which Mehdi Hassan is prepared to abandon any position he has taken up, or any statement he has made, in favour of others, is proved to demonstration in this instance. His notion of the matter now is that when he made his first statement he intended to refer to the legal publication that is the printing, as distinguished from the actual publication, that is the distribution. Obviously this is a change made to suit an awkward situation. If by legal publication he means the sending of the manuscript to Connor on the 13th March, it is obvious that it could not have affected his reputation, and I don't suppose he cares two pins for any statement that was made to Connor, Hendricks, Fischer, and that class of men.

In connection with this I turn to the evidence on the record to show that Mehdi Hassan was absolutely aware that Government, that is Musthak Hussain and other persons, who *de facto* were responsible for the administration of the State, were making enquiries, and he was aware that when the truth was about to be elicited, the Government of which he was a member, stopped and stifled the enquiry. He says at page 2 of his evidence, " I swear that the Government made no enquiry into this case, as far as I know." Then again on page 7, original depositions, he says, " There was no enquiry into this case so far as I knew." Again on page 23 he says, " I had no knowledge of the enquiries made by Government on their own account. Nothing passed through my office with reference to such enquiries. In the ordinary course they would have passed through my office." Our position with regard to these statements is, in the first place, that his explanation that he was aware of nothing being done on the part of Government is untrue, and that he said that with a motive. Secondly, I say even if the evidence did not absolutely disclose that Mehdi Hassan was

cognisant of every step taken by the Government of which he was a member, even if the evidence showed he was not cognisant of such enquiry, it was part of a scheme whereby he was advisedly under instructions keeping in the background for the purpose of disassociating himself from any action that the Government took. Musthak Hussain and other gentlemen must have been aware that the Government would have been in an awkward position if Mehdi Hassan had been publicly connected with it, because he would not have been able to get out of his knowledge of the former enquiry in 1889. He has sworn that the police were not at his disposal. I have to show that Mehdi Hassan himself by his own Urdu petition applied for Colonel Ludlow's services, and that he had written himself to Colonel Ludlow directing him to offer a reward of Rs. 1,000 for the first information as to what he calls a trace. He says "Colonel Ludlow instructed Stevenson, but I don't know whether his enquiries have been reduced to writing." I shall produce evidence to show that Mehdi Hassan was formally put in possession of all the knowledge which was at the time at the disposal of Government, had cognisance of every step in the proceedings, was aware of every telegram despatched to the North, was aware of every answer, and that Stevenson treated Mehdi Hassan as a component and influential member of the Government, and placed himself personally in connection with Mehdi Hassan both directly and indirectly through Hormusjee. If I can prove that I shall have proved a great deal to show Mehdi Hassan is not to be believed when he makes these denials. Mehdi Hassan says he was not aware that Government were in communication with Yusuf-uz-uman. That is absolutely disproved by his own letters to Yusuf. At page 6 Mehdi Hassan admits that he had written several petitions to the Government, and I maintain that it would be absolutely impossible in view of the contents of these petitions filed and printed, to hold that he could have been ignorant of the steps Government was taking to ascertain the truth or otherwise of this pamphlet. On the same page he says he knew nothing about Nissar Hussain. That is disproved by his own petition. At page 7 he said he was aware that Sujaat Ali was in correspondence with Furidoonji. Of course that communication between Furidoonji and Sujaat Ali was with regard to the matter of this enquiry. He says, "I declined to interfere with what the Government were doing with third persons, and did not speak to Mr. Furidoonji and declined to speak because Sujaat spoke in confidence." How in the view of that declaration can he maintain that he was not aware that the Government were making enquiries? My sole reason for harping on this point is to show that Mehdi Hassan was in a position of extraordinary

power to manipulate the evidence in this case and direct and control the enquiry, and that he did both. He first directed it and when it grew unpleasant closed it.

Another singular circumstance is this. On page 11 of his evidence Mehdi Hassan says with reference to Exhibit 5, "I don't know where Rafi-ud-deen is now, his application for appointment is on the file I believe, I produce letter from Syed Hossein Belgrami. I got it from Musthak Hussain since yesterday." Is that not complete evidence that Musthak Hussain himself, one of the most influential members of this administration, was in connection with Mehdi Hassan and giving him access to correspondence passing officially between himself and Syed Hossein Belgrami. At page 13 Mehdi Hassan has sworn he knew nothing about the reward which Colonel Ludlow had written to Furidoonji about. He admits he is on friendly terms with the Minister, and that Hormusji is his Solicitor and the Government's, and then says later on in the same page : " I don't remember why I took the trouble to put myself in communication with Colonel Ludlow." Again I refer to page 14, by way of showing the extremely intimate relations between Mehdi Hassan and those in power by reference to the fact that Furidoonji was directed to claim privilege from producing documents. That was the treatment accorded to us whilst the treatment to Mehdi Hassan was different. He was allowed to have access to documents, of which I would make no complaint if a similar privilege had been accorded to us, but it was denied. If in this connection you will turn to the correspondence in the shape of petitions, which passed between Mehdi Hassan and the Minister, I think the point will be elicited beyond power of dispute. Exhibit C, filed by Mehdi Hassan, is one of the petitions he sent to the Minister. The first paragraph fixes Mehdi Hassan with having communication with the Minister whilst he was on tour. He says : " The fact that I am married has been known to every one about us for 20 years," that statement is uncorroborated by evidence, " and been recognized by both friends and relations." That last is not proved. He goes on to speak of preliminary correspondence before the marriage, but that is not forthcoming. With regard to the will which has been filed, that proves nothing, for a man may make a will in favour of any one, and the mere fact that in 1887 he chose to make a will in Gertrude's favour is not even primary evidence of the fact that he was married to her. If you will turn to page 24 of his original depositions, we see the explanation he attempts to give about the preliminary correspondence. Curiously enough his letter to the Minister therein mentioned is not forthcoming, that is the one

document we have not got from the Minister. We have the answer, but not the letter from Mehdi Hassan to the Minister upon which the satisfaction of the Minister rests. Possibly that letter has been taken off the file because it might contain some statement of fact which would be fatal to the case Mr. Inverarity has opened. Having sworn previously that he had no communication with the Minister, Mehdi Hassan has to admit on page 24 :

“ After hearing Exhibit C read, I remember that I had a conversation with the Minister with regard to the purport of the pamphlet and my relations to my wife. I swear that the Minister did not tell me he had heard rumours previously with regard to this very matter. I did not submit the overwhelming proofs mentioned in Exhibit C to the Minister. When I made that statement to the Minister I was sure that I had the ‘ preliminary correspondence.’ I found afterwards I had not. I intended the Minister to believe that I had that correspondence as I believed I had myself. I took no steps before I wrote to the Minister to ascertain whether I had that preliminary correspondence, because I was so certain of it.” Can you believe that a man having preliminary correspondence between himself and Gertrude, or subsequent to the proposal of marriage, can you believe that a man having this mass of documents in his possession in 1873, sits down 19 years afterwards to make a statement of facts with regard to the possession of these documents without taking the precaution of referring to his boxes to ascertain whether the statement is true ? Mehdi Hassan deliberately made a misstatement to His Excellency and desired to hoodwink him. He has to admit also that he did not take steps to put the Minister in possession of the real facts. He refers to the “ enquiry set on foot by the Minister.” The moment that Mehdi Hassan was aware of the Government enquiry he tries to explain it away and says that by the enquiries set on foot he intended to refer to his instructions given to his Solicitor. “ During the shooting expedition I was not in communication with Hormusjee. Between the 28th April and the 11th May communications did pass between Hormusjee and me. I think Hormusjee did not tell me of having received a note from Furidoonji or about Furidoonji’s Sharistadar, Mahomed Shakhur. I was aware that Hormusjee had taken certain depositions from witnesses as to publication. I am not aware that Mr. Hormusjee submitted those depositions to the Minister. I believe he informed the Minister of the results. After hearing Exhibit D (para. 1st) read, I am still doubtful whether Hormusjee did submit the depositions to the Minister or tell him verbally.” So much with regard to the complicity of Mehdi Hassan with the administration then in power. The last piece of evidence with regard to the intimacy between Mehdi

Hassan and the Minister is the evidence with regard to what are euphemistically termed "loans" permitted to be taken from the Court of Wards. The evidence with regard to that is on pages 5 and 8 of the new series. It is pretty conclusive on the point that Mehdi Hassan must have had every opportunity of knowing what Government were doing and was aware of every communication, and as I shall prove through Stevenson of every step taken, and in coming forward and making these repeated denials of knowledge, he did it wilfully knowing he was speaking false, and for a purpose.

In this connection I should like to refer to the question of the anonymous letter which Mehdi Hassan said he received from Sir Seymour Fitzgerald. The first item of evidence is at page 21 of the old evidence. Mehdi Hassan says : "I swear that I never heard any rumour that I was not married to my wife at the time of my return from England. I heard that an anonymous letter was circulated in Hyderabad about the life of my wife previous to my marriage. I never saw the letter. I did not discuss that letter with any one in Hyderabad. I may have told Musthak Hussain that a letter was written. I don't think I told Furidoonji or the Minister. I swear I never heard of any communication taking place between Major Gough or any one else, or of any communication from the Foreign Office in Calcutta. I myself took no part either directly or indirectly in framing a reply." Mehdi Hassan was deliberately suppressed, if suppressed at all, in form only, in that enquiry so that he should have the opportunity of saying that these enquiries were made behind his back, and Musthak Hussain assisted him in this device. This is what Sir Mortimer Durand writes under the date 25th July 1889.

"There is another point I have to ask you about. I see that you telegraphed on the 9th June 1888 to Mehdi Hassan as follows :—

"My congratulations to your wife for honor conferred Queen granting audience." Very unpleasant rumours are afloat in England, with regard to this matter. It is said that the lady who is known as Mrs. Mehdi Hassan was not Mehdi Hassan's wife when she was presented to Her Majesty, but was merely living with him as his mistress. From your experience of England you must be aware that presentations to Her Majesty are, as a rule, subjected to the most jealous scrutiny ; and if there is any truth in these rumours, it will be a most unpleasant business. For obvious reasons I do not like to impose upon Mr. Howell the duty of enquiring into this matter

after recent occurrences, and I therefore write to you direct in the hope that you will be able to give me satisfactory assurances as to the lady's position. If so, I shall be greatly relieved. If not, I shall be unable to avoid further action."

True Extract

From a letter dated 25th July 1889.

Addressed by SIR MORTIMER DURAND

To H. E. the Minister.

PERCY GOUGH, Major,

Military and Miscellaneous Secretary,

H. H. The Nizam's Government.

I maintain that in view of that letter there was impressed upon the person responsible for the administration of this State a grave duty to endeavour to ascertain with all fulness and truth the reliability or otherwise of those rumours which were rife and in circulation about Mehdi Hassan and Gertrude. If the Minister satisfied himself in his conscience that he had sufficiently discharged his duties by avoiding communication with the two persons who could give satisfactory evidence, and satisfied himself with having recourse to Musthak Hussain, or Musthak Hussain's creatures, he did what he ought not to have done, and it was not an honest discharge of the duty placed upon him in regard to a very serious matter. I, at least, should like some explanation on that point. Major Gough, who wrote the Minister's reply, was well within his instructions and duty, because he was only the mouth-piece of communication. He might be able to say Mehdi Hassan was not cognisant of these transactions. I maintain, however, that in Mehdi Hassan's mouth it is a blind with a purpose, that the principal actor in that enquiry was Mehdi Hassan, who was pulling the strings through Musthak Hussain. No other explanation of the conduct of those who were responsible for the determination of that enquiry can be consistent with our notion of what is due from people called upon to make such an enquiry. I shall still maintain that Mehdi Hassan did know of the enquiry and that he ought to have known, because he was the proper person to give direct and conclusive replies with regard to the marriage, and if the Minister chooses to state that he evaded application to the proper source of enquiry, I shall maintain still that he has done as he ought not to have done, and further that he knew he was doing wrong and doing wrong on purpose.

The Minister stands in an awkward dilemma. He either consciously abstained from tapping the only true source of information, in which event he is guilty of a grave neglect of duty. Or, he let himself be manipulated by a set of interested practitioners, without checking what they did, in which event his Ministerial fitness for office becomes questionable. Mehdi Hassan says he never discussed the enquiry with any one. If we compare that statement with a statement made the other day in the newly printed papers, the Court will see what a different complexion he has endeavoured to place on this transaction. At page 10 we have this disclosure. "I am aware that Major Gough has produced a letter written by Sir Asman Jah as Minister to the Foreign Office. I hear this passage from it: 'On Mehdi Hassan's return from England he mentioned to me that some disgraceful and mischievous rumours concerning his relations with Mrs. Mehdi Hassan had been put in circulation.' I did tell the Minister this. I referred to an anonymous letter which had been sent to the Secretary of State to England and had been handed to me by Sir Seymour Fitzgerald, and which I forwarded to the Minister through Captain Sutherland, saying that it appeared to be in the handwriting of Mr. Syed Ali Belgrami. I did not write to the Minister. I know that Shujat Ali and Ikbali Ali made statements to the Minister. They never told me. I swear that Musthak Hussain never told me. It is a lie if Musthak Hussain told Ikbali Ali that he has spoken to me on the subject. It is not true that these two wills of myself and my wife were created under the advice of Ikbali Ali." In that statement he saves his own reputation and damns that of his friends, which he is entitled to do. Compare that statement with the anonymous letter mentioned in his old statement. Is it not evident that this latter declaration has been wrung out of Mehdi Hassan under the knowledge that the Minister's file was in Court? It was only when confronted with a statement that he could not get over that he was compelled to state some of the truth to the effect that he had put the Minister in possession of Sir Seymour Fitzgerald's letter. If that is true and Mehdi Hassan knew of this ridiculous enquiry with Shujat Ali and Ikbali Ali, the two puppets, he is in this instance, and inferentially with regard to the rest of the case, a man who has not spoken, or cannot speak, the truth. In connection with this also he has sworn at page 2 of his old evidence after speaking about the presentation of his wife, "It is not true that there ever was any scandal about my wife's presentation or any attempt to investigate it. I never heard of it until the Pamphlet was published." Then there is an explicit statement on this point at page 6. "I remember receiving the

letter in which the Minister told me he was glad of my assurance of my marriage. I don't remember sending the Minister another petition on the 7th June. Previous to April 1892 I don't remember having spoken to any one on the subject of my marriage. It is a fact that my marriage was never questioned till this libel." We have the admission that there were two anonymous letters, one from Sir Seymour Fitzgerald and another locally circulated. At page 9 again Mehdi Hassan says : " I never saw or heard of a letter from Mr. Durand to the Minister touching the matter. I never saw or heard of a similar letter to the Resident. I am ignorant of any answer having been prepared by Musthak Hussain and Major Gough." At page 21 he also refers to the matter. I have compared this evidence with the evidence given since the Lucknow Commission, and I would draw your attention to the statement on page 13 of the new evidence with which Mehdi Hassan closes his statement. " My statement in cross-examination on the 21st instant that if Sir Asman Jah swears that I had knowledge of the Durand enquiry, it will be true, he never speaks falsely, meant that in that case one of us must be under a misapprehension. I still swear that I had absolutely no knowledge of the Durand enquiry." I wish to concentrate all the evidence Mehdi Hassan has made on this head. They are statements so clear and explicit and unhesitating that he cannot plead that he was suffering from loss of memory, or from confusion of facts, or that he did not know what he was saying. He has sworn positively and the evidence on the record is conclusive as to his deliberate falsehood.

I omitted to mention that the marriage contract is false as to both the ages of Mehdi Hassan and Gertrude. He claims to have been 20 in 1873, but the prosecution have themselves filed a register of the Canning College from which it appears that Mehdi Hassan was 21. Of itself that would not be much, but it is one of the series of false statements, and false pieces of documentary evidence which mark the course of the whole enquiry. He deliberately states his age falsely. For the same reason he gave Gertrude Donnelly's age falsely to make it improbable that there could have been anything morally wrong on either side.

With regard to Mr. Hormusjee's action in this case, and his alleged delicate situation as Solicitor to both sides, unless he treats both as one, he may be called upon to let us know exactly what took place between himself and Mehdi Hassan, and himself and Government. No bill has yet been sent to Mehdi Hassan, and I suppose the whole bill will be defrayed by the Nizam's treasury. I maintain that Hormusjee was never

employed as Mehdi Hassan's private Solicitor, he was the Solicitor of the Government, and acted for the Government, and treated Mehdi Hassan as a member of the Government. There was no splitting of interests between Mehdi Hassan and the Government, and in every step Hormusjee took as Mehdi Hassan's Solicitor, he was treating him as a member of the Government. Mehdi Hassan has sworn that Hormusjee was his only Solicitor between the date of the publication and the filing of this case, and on page 13 of the old evidence he has sworn that the instructions he gave to Hormusjee were given on the morning of his departure with the Minister. It is a curious thing that Mehdi Hassan says he does not know whether Hormusjee saw the letter to Hugh Gough. I think I shall be able to prove affirmatively that he did see it, and I think I shall be able to prove that when the Government called up the file, when the papers were received, Mehdi Hassan was present and broke the seal of the packet and read the letters in the presence of Musthak Hussain and Hormusjee. That is quite sufficient to show he is speaking falsely when he says he did not know of the Government enquiry. Mehdi Hassan has sworn at page 14 of the old evidence, "I heard that the Government was in communication with Mr. Hormusjee with reference to this pamphlet." He swears afterwards that he was not aware of the Government taking any steps. Admitting, for the sake of argument, that Hormusjee was Mehdi Hassan's own Solicitor, and remembering the intimacy which existed and has existed for years past between them, can we believe that under those conditions Hormusjee did not tell Mehdi Hassan of the Government enquiry? At page 25 Mehdi Hassan says, "I swear that Mr. Hormusjee as my Solicitor never told me of any communication that he had had with the Government." Of course, that depends on the difference which Mehdi Hassan has tried to maintain as to Hormusjee's communications to him *qua* Government Solicitor and Hormusjee's communications to him *qua* Mehdi Hassan's Solicitor—a ridiculous distinction by the light of the facts here. Again at page 24 Mehdi Hassan says he does not know whether Hormusjee did submit the depositions to the Minister. That is contradicted by his own writing in Exhibit D.

Let me also refer to the little evidence there is on the record of this case as to what Mehdi Hassan calls his sense of honour. If the statements contained in the pamphlet were made against the honour of a man who felt they were false and that they were such as to make his life unsupportable—if that had been so, we should have expected him to take immediate steps to arrive at the whole truth of the matter. But what does

Mehdi Hassan do? The only steps taken by him, which are recorded on the evidence of his own testimony, are to be found on page 3. Imagine a man whose moral relations with his own wife had become the topic of public conversation going out on a shooting expedition without taking any active steps to ascertain the truth or otherwise of these rumours, and contenting himself with this! "When I started on the trip I did not know how long we should be away. No duration was fixed for the trip. The idea was that we should not be longer than a week or two. I embarked on the trip not knowing how long it was to last, without taking any active steps to vindicate myself, except to petition the Minister." We know that that petition was that Colonel Ludlow should be placed in charge of the enquiry. It is a curious thing that although he petitioned for Colonel Ludlow, he tries to maintain that he had only relations with Stevenson. It is singular that the only thing he seems to have done with regard to Stevenson is what is shown by the evidence on page 10: "I waited till my return from shooting before I made enquiries about this letter. I guessed that Stevenson or some officer of his department had placed himself in communication with Rafi-ud-din. Stevenson informed me that Rafi-ud-din had been asked by himself or the police." I shall be able to prove that Mehdi Hassan never saw Stevenson at all before he went out on the shooting trip. Instead of proving his character is good, instead of staying at home and trying to find out whether his wife is his wife, instead of trying to hunt down his two-footed maligner, Mehdi Hassan is a man who prefers to go out on a shooting tour to shoot four-footed game!

We have also lastly the evidence of his own admission in the letter he wrote to Mehdi Ali, Exhibit 16, which I maintain is a most important document in so far as it goes to throw light on Mehdi Hassan's view of the case. He has tried to struggle out of the fact that he intended leaving Hyderabad, and now says he would not have left without an apology. That, I submit, is not the real meaning of his letter to Nawab Mehdi Ali. I will read it.

18-11-92.

MY HONORED FRIEND,

To-day also the case has been adjourned. Mr. Inverarity is here, I will

NOTE.—Name of addressee
not given in the original.

make him remain here till to-morrow if the matter is going to be decided. If it be settled to-morrow I wish to leave this place, if it pleases God on Friday and say farewell! to Hyderabad. (Mr.) Inverarity is of opinion that apology should not be

accepted, but I am so much displeased with this place that I will accept it on my own responsibility, but it will be necessary to show its draft to the counsel. If you will allow me to depart by Friday I will be thankful to you all my life time.

Yours sincerely,

(Signed) MEHDI HASAN.

There is not one single word in the letter that the giving and signing of an apology was to be a condition precedent to his departure. What he really wanted were two conditions, his *Munsab* and to be forgiven his indebtedness to the Government. Granted that, and he was willing to forego his honour. His honour ! What has Mehdi Hassan to do with honour ! What he cared for was a pension and rupees. He cared as little for honour as honour did or does for him. He has defrauded the orphans of the Court of Wards under a security no more respectable or trustworthy than a piece of stamped paper given to the Government. The whole conduct of Mehdi Hassan shows that he has been forced into the enquiry not as an honest man would seek to launch it, but simply by reason of the communication from the Foreign Office at a time when he trusted he would be able to insure a successful termination to the case by holding from us those sources of information which fortunately have been since made available, and further with the hope that he might before the trial get Mitra to accept Rs. 25,000 and by reason of that get placed on record an apology. Upon his own evidence Mehdi Hassan was prepared to go if Mitra said he was sorry he published the pamphlet, and in spite of that he tries and makes us believe that he was trying to vindicate the truth not for pecuniary, but for social and high moral considerations. Fancy a man consenting to accept an apology as a satisfactory restitution ! How could Mitra erase the mass of evidence given by third persons as to Gertrude's discreditable antecedents ! What apology could relate Mehdi Hassan to the position of an honourable man when the record teemed with proof of his perjury and his forgery ! Mehdi Hassan's willingness to retire is the strongest proof we have yet had of his acceptance of the truth of his own dishonour and his mistress's guilt. Again, Sir, there is another short matter. We have had evidence in this case which shows that there is scarcely any human agency to which Mehdi Hassan has not had recourse to stifle the case. He has placed himself in communication with Mr. Seymour Keay during the Lucknow Commission, and he has been sending him constant and uninterrupted supplies of the Lucknow Commission papers. He did so with the object that Seymour Keay should

endeavour to gag the proceedings by terrifying if he could the Resident, the Nizam, and yourself. I shall be able to prove that Seymour Keay has endeavoured to influence people in this case and I publicly charge him with a gross abuse of his position as a member of Parliament in his efforts to stifle justice. I will say nothing more about Mr. Seymour Keay in this case, but I give him timely warning that if he goes on like this, he will burn his fingers and burn them badly.

That closes my remarks with regard to the case for the prosecution, and I shall detain you but a little longer with the case for the defence. With reference to the publication, I am not in a position to open my case to the Court, because I have not yet cross-examined the prosecution witnesses with regard to that, but I shall be able to show that it was not a publication within the Residency limits ; it was never published inside the jurisdiction of this Court at all. I think I shall be able to trace to its initial source the origin whence all this information we have heard with regard to this publication came. It came from my namesake, Norton. It is apparent from a document now in my possession, and which I hope to use during the course of my examination of my witnesses. The story of the prosecution is one supported by eight witnesses, but it is not the story first given to Hormusjee. These eight persons were arranged, and when one turned up who was rather inconvenient, he has been quietly eliminated and another witness substituted.

Dealing with the Barabunki evidence which I will file—

Mr. Rudra : You cannot make use of that evidence until it is filed, and you cannot do that until you have closed your address for the defence.

His Worship : If you refer to the evidence you may say you are prepared to prove so and so.

Mr. Rudra : You cannot file the evidence in the middle of your speech.

Mr. Norton : Then I shall merely read it as from my brief. I don't propose to say much about the Barabunki evidence. With regard to the Lucknow evidence, Mr. White, a purely technical and formal witless, proved there was no Mirza Baker Hussain at Canning College in 1873, and never had been. As a matter of fact I never said there was. On page 3 Mr. White, under cross-examination, said he was aware of two sisters living in Lucknow in the seventies who were prostitutes. I refer to this, because it may

be urged by the prosecution that these were the two sisters to whom Syed Hussain Belgrami intended to refer in his letter. I will show that that is absolutely impossible. This is what Syed Hussain writes :—

HYDERABAD DECCAN,

7th April 1892.

MY DEAR MEHDI HASAN,

The vile libel fulminated against Mrs. Mehdi Hasan and yourself is so absolutely false and so villainously filthy and ill-natured, that it could only have been conceived and published by some one completely lost to all sense of shame and self-respect. Blinded by envy and by hatred that is born of envy, the cur has defeated his own vile purpose, and if his libel serves any end at all, it will serve the end of having the name of the man who wrote it, if it ever comes to light, branded for ever with infamy. It is not difficult to see who are the two sisters to whom allusion is made in the writer's own style of Billingsgate. Their names need not be mentioned to men acquainted with Lucknow of twenty years ago, but the attempt to identify one of them with Mrs. Mehdi Hasan is a feat of audacity in satanic invention of which the great "Artificer of Fraud" may himself be proud. It is a work of supererogation to add that within my memory and knowledge never has a breath of scandal been breathed over the name of your good wife either here or at Lucknow.

I am sure both Mrs. Mehdi Hasan and yourself will treat the libel with the contempt it deserves, and not permit your equanimity to be disturbed for a moment by its base and cowardly insinuations.

Yours sincerely,

(Signed) SYED HOSSAIN.

Syed Hussain Belgrami says he had personal knowledge of two sisters living at Lucknow, whose names, according to him, it was not necessary to mention to any man who was acquainted with the Lucknow of 20 years ago. Why has Syed Hussain Belgrami not come forward to say who these sisters were? When I cross-examined Mr. White at first he could not remember the names of the sisters, but subsequently gave their names as Mrs. Murray and Mrs. Anderson. It may be said that Syed Hussain Belgrami was thinking of these two, whereas I put it that he was thinking of Mrs. Hodges and Gertrude Donnelly. Mehdi Hassan, at page 11 of his old evidence, swears: "I produce a letter from Syed Hussain Belgrami. I got it from Musthak Hussain since

yesterday. I forgot when I gave it to Musthak Hussain. The body of Exhibit 6 is not in Syed Hussain's handwriting, but the signature and the address on the envelope are. Syed Hussain and I are on terms of intimacy. He was at the Canning College in my time as Professor of Arabic. We knew each other there. I don't know if there were two sisters living there 20 years ago, who were well known to people of that time. I don't know whom Syed Hussain means by the two sisters he refers to. I understand the passage in the letter to mean that there might have been two sisters in Lucknow 20 years ago whom people who knew Lucknow might have known. I don't know the sisters he meant, their names or caste. I understood him to refer to two European sisters. My reason for so understanding was that the Pamphlet mentioned two European sisters. By "European" I include "Eurasian." I didn't know any two sisters in Lucknow who were Eurasians or Europeans other than Mrs. Hodges and Gertrude Donnelly. I don't know to what particular sisters Syed Hussain referred. I asked him after receiving this letter on my return from tour (I found the letter waiting for me when I got home). He told me that there were two sisters living in the street leading from Abbas Beg's house to Golaganj. He told me he had once seen one of them. He said nothing more. He said that something was to be written in his paper (he had been Editor of the *Lucknow Times*), and that in connection with it, one of these two sisters had called upon him. He told me nothing more. He did not give me their names, their ages or their caste. I understood that they were European or Eurasian. I did not ask him, though I did ask him their names, but he said he did not remember. I did not ask him for any further particulars as to how they came to live there, or as to their father. He said they had a father as their father came with the girl to his house, or their guardian or some relation came. Syed Hussain did not use the word "father," but he left that impression on my mind. I did not press the matter or ask if the father was a retired Captain or Lieutenant or whether his name was Donnelly. I knew it could not be Donnelly as in the same conversation Syed Hussain said :—"Those girls were quite different persons and family from your wife." He said, "I distinctly remember that the girl who came to see me was quite different from your wife, and the father the old man, was quite a different family and quite a different person from the father of your wife." I don't exactly remember if he said "the old man." He said nothing about the lady who stopped at home and did not come to see him. I was in Lucknow 20 years before Exhibit VI. was written, but I deny that I come under the designation of "men acquainted with Lucknow of 20 years ago." I first went to Lucknow in 1867 to the "Wards Institution,"

which I could not leave. I left the Wards Institution in August 1868 and went home. I came back to Lucknow in 1869 or 1870 as a student at the College. I left College by the end of 1870 or the middle of 1871. I will ascertain when I left. I came back to Lucknow in 1872. I still maintain that I am not a person acquainted with Lucknow of 20 years ago. I still maintain that Syed Hussain told me that he did not remember the names of the girls. He did not tell me that he had ever had improper intercourse with those two sisters or either of them. He said they were of immoral character. He said they were "notorious" or something like that. I did not ask him on what foundation that statement rested." I should like to know whether Syed Hussain knew Donnelly or his girls. Is it not obviously on the face of it an explanation which is false? Did not Syed Hussain intend to include Mehdi Hassan in the statement that it was not necessary to mention the names of the persons to those acquainted with the Lucknow of 1872? But Mehdi Hassan has chosen to deny it. I will show how Mehdi Hassan could not be referring to Mrs. Murray and Mrs. Anderson. I regret that these persons' names should have been mentioned, but they came out, accidentally, and I have now to distinguish them from the two women mentioned in the pamphlet. If these two women strayed from the paths of virtue, there was a difference at any rate between them and Gertrude. They were not accessible to any one except the Colonels who kept them, and had nothing to do with natives. Gertrude and Mrs. Hodges were accessible to any one who lusted for their charms. Mrs. Hodges was living with the Raja of Kapathula, and Gertrude was not particular as to the caste or colour of her lover. That was not the position of Mrs. Murray or Mrs. Anderson, who were living a life which did not lead them into the public market. I would not have referred to this matter but that it may be attempted to connect these two names with the persons mentioned in Syed Hussain's letter. I am prepared to prove through the evidence of Munshi Sajjad Hussain, that Gertrude Donnelly whilst living in Lucknow in 1870 and 1872 was a girl not leading a chaste life. His evidence is direct and strong. He is a man of independent means, unconnected with the other parties in this case and not under Sarvar Jung's influence. It was urged against this man's evidence that he was a member of the Congress—a Congress-walla I believe he and his co-thinkers are spoken of by way of reproach. I am not here to-day to defend the principles of the Congress, but I am not ashamed of the adherence of Sujat Hussain to principles which I believe myself to be for the public benefit. It was attempted at

Lucknow to disparage Sujat's evidence because Mehdi Hassan had attacked in a letter to the *Times* that same Congress of which the witness was a prominent member. I do not wish to say anything here of the terms of Mehdi Hassan's letter to the *Times*. I will content myself with the observation that Mehdi Hassan certainly did not write it himself, because he is incapable of penning such a letter, or of understanding its contents when penned. Sujat Hussain at any rate stands clear of the charge of literary incompetency which I prefer against Mehdi Hassan, that he has ever had to employ the services of a scribe such as Gallagher or Gribble to defend what he believes to be right and true, or to attack and expose what he believes to be dangerous or illusory. We of the Congress claim the power of being able from our own ranks to formulate our desires with our own pens and our own brains. The points of Sujat Hussain's evidence were these. He swore he knew the Evans's well in 1870 or 1871 and he said Evans was the man who lived in a particular house a photograph of which has been filed. Evans was cross-examined about this house and it is rather curious how he tried to wriggle out of the fact that he had lived in that house. It was germane to his purpose to make that denial because Sujat Hussain had stated that he went frequently to his house, knew his wife and daughter Alice and the children, and that in that house he frequently met Gertrude. Sujat has also given details with regard to the Evans family which become of particular importance when we recollect that Evans has admitted that some of the references to his former life were correct. If it be true that Sujat knew this man's family in Lucknow, and it is true that Evans is unable to contradict Sujat Hussain satisfactorily with regard to his knowledge of the family and has had to admit some of the facts to be true, we begin to understand what the motive was for endeavouring to neutralise the truth of Sujat Hussain's statement. But the truth has come out, thanks to Mr. Lincoln's endeavours. Evans says he never saw Sujat Hussain, a man who had practically lived in his house for three or four months. Evans says, "I don't know him, no such man ever visited my house; it is false to say his father introduced him whilst Gertrude was with me. I never discovered she received visits from natives." Evans also says he draws Rs. 300 a month at the present time, but in those days he only had Rs. 100. He did not live he says in the corner house near Neill's gate. He was never fond of table-turning or spirit-rapping; he had no brother of his name then in Government employ. Proceeding he says: "I have never told any one Gertrude Donnelly was a niece of mine. When I first met her, she and her mother came down from Simla

to my place in Lucknow, that was in 1864. Previous to that I had not known either of them personally, but my wife may have known them. As far as I know she did not know them. They came to my house because my wife had been in the Lawrence Asylum and Mrs. Donnelly had also been there. My wife was a girl in the school there. She told me that Mrs. Donnelly and Gertrude were coming to stay with us. I knew that they were coming, I asked my wife who these people were. They were not to pay for board and lodging with us. No time was fixed for their staying. I received them as return for a kindness shown by Mrs. Donnelly to my wife, when the latter was ill at the Lawrence Asylum, that was of course before she became my wife." On the point of Mrs. Evans's illness, Mrs. Evans herself says she was in the company of Gertrude Donnelly's mother for one hour only on the way down from Simla, and absolutely contradicts her husband's statement that she had invited Mrs. Donnelly down to her house because Mrs. Donnelly had been kind to her. Evans says further on, "I have five sons and two daughters; one of my daughters is called Alice. She is married to Mr. Wilson. I do not know what he is or where he is. My daughter Alice never went wrong. She was never in Hyderabad." He is not able to tell us anything about the whereabouts of his daughter Alice! You will find it in his evidence that Sujat Hassain gives elaborate details with regard to the antecedents of the Evans family and gives the names of persons he met at their house, and it is admitted that these people did visit Evans. It is a very curious story. Sujat says he had nothing to do with the girl, but one day whilst the father and mother were out, one of the little children came out from one of the rooms and pushed aside the *purdah*. Sujat got a momentary glimpse of the interior of the room and he saw a man lying in bed with Gertrude. Mr. Lincoln in dealing with that evidence says that unless Sujat can state whether the two were naked or clothed, and if clothed, how clothed, unless he can satisfy you with regard to those details, his memory is not to be relied on. That I submit is absurd, for a man might not be in a position from a hasty glimpse to say with certainty whether a given pair were kissing, clothed or naked, yet he would be in a position to say that they were together and on a bed. Sujat also speaks to the girl's reputation and Mr. Lincoln took up the position that I was not able to say anything against her reputation because according to his view, I could not adduce the testimony of the world at large to establish the reputation of any given person. I don't know how you can prove it otherwise than by hearsay, and I submit my evidence must be admitted on that ground.

Our next witness was Syed Asgher Jan. I have to make one important statement with regard to him. You have heard, Sir, how, and under what circumstances, he showed himself to be a hostile witness, and I would draw your attention to Exhibits 21 and 27 and to the evidence which I shall bring forward to show that Asgher Jan has thrown himself entirely into the arms of Mehdi Hassan. Sajed Beg was sent to assist us in this enquiry at Lucknow and you know Sarvar Jung had been in communication with this man with regard to these photographs. But when we got to Asgher Jan, what took place? Sajed Beg was anxious to procure from Asgher Jan copies of the photograph of Gertrude Donnelly taken from the negative which Mehdi Hassan had sworn had been destroyed in 1873, and I contend we should have been justified in giving Rs. 5,000 or more for that negative as a strong piece of evidence against Mehdi Hassan's truthfulness because our motives for such a purpose were different to those of Mehdi Hassan—we wished to speak the truth and he wished to utter a lie: we wished to bring the negative to light, he to suppress it. Our endeavour was to assist, his to stifle, justice. As I have already said, Asgher Jan was torn by conflicting motives of friendship to Sarvar Jung upon the one hand, and the allurments of Mehdi Hassan's money bags upon the other. And he gratified both desires. He gave us copies of the photographs from the original negatives, all the 19 and 20 series, and then handed over the negatives to Mehdi Hassan for Rs. 5,000. Part of the transaction is evidenced by Exhibit 22, and the Ali Abas cheque business. With regard to the photographs themselves, this semi-intelligent old man was extremely anxious, with a view of justifying his conduct to Mehdi Hassan, to state on oath that he did not give the photographs to us. He was dealing with a young man, Sajid Beg, who, fortunately for himself, has had little to do with conspiracy, forgery and perjury and who allowed himself to be inveigled into writing Exhibit 27. What happened was this. Sajid Beg asked for the photographs and after a great deal of trouble and correspondence between the two—Asgher Jan being away from Lucknow at his Mofussil Residence—Asgher Jan eventually consented to let Sajid Beg have the photographs. Asgher Jan returned to Lucknow and he printed Exhibit 19 himself from the original negative in the presence of Sajid Beg, who saw him take one of the copies off the plate and replace it, because it was not sufficiently printed. Asgher Jan gave us the whole of the 19 and 20 series, which are now said by the other side to have been taken from photographic paper copies and not from the original negatives. I will prove through expert evidence that the photographs put in are undoubtedly printed from the original negatives. I

will put into the witness-box Mr. Hotz, one of the most expert photographers in India, who will explain that the photographs are from the negatives, because a photograph from a photograph shows the texture of the paper. He will also tell you how on some photographs taken from the original negative, there may be white spots, and on others black ones. It is simply a question of the chemicals used in •fixing. I think Mehdi Hassan was ill-advised to come into the witness-box and make the suggestion that the copies we have filed are printed from paper copies and not from the original glass negatives. To return to Sajid Beg and Asgher Jan, the latter said when giving over the photographs to Sajid Beg, "You must say you are angry because I would not give them to you and write me a letter to that effect." Asgher Jan wanted to give that letter to Mehdi Hassan's counsel to show he had not been tampered with and had not given us the photographs. The biter was bit, and his treachery has recoiled on his own head. Asgher Jan got Rs. 5,000 and Mehdi Hassan got in return a negative not worth five annas. Sajid Beg wrote Exhibit 27 which I understand, subject to translation, is identical with Exhibit 21, with the exception, which you will see for yourself in the shape of the interlineation. It was first of all written by Sajid Beg in red ink, and he then took it to Asgher Jan, but Asgher Jan did not like some of the references in that letter, and then with his own pen and his own ink—not Kashmir ink—he wrote those five words with his own hands, "us-ka plate tut-gaya hai." He then said to Sajid Beg, "go home and re-write that letter with my alterations, and I will let you have the photographs." We have called Mustaza Hussain, and he said he dictated a letter from Exhibit 27 the same in substance as Exhibit 21, but he would not go the whole length and identify the writing of 27 as being the very letter from which he dictated. The morality of Lucknow prevents a Shiah giving evidence against a Shiah, or in favour of a Babu. What Sagid Beg said in the letter was to the effect that he was astonished and pained at Asgher Jan's attitude in refusing to give him copies of Gertrude's photographs : that this conduct betrayed indifference to his old existing friendship with Servur Jung : that Servur Jung would be deeply offended, and that influence would be used to the ultimate prejudice of Asgher Jan. All this was only a fictitious remonstrance, created to arm Asgher Jan with evidence which he could show Mehdi Husan in support of his own loyalty to that individual. *Pari passu* Sajid Beg had, in return for the letter, received from Asgher Jan the photographs we have filed. The letter is instructive as to the artifices to which Mehdi Hassan's friends, during the history of this case, have had

recourse in his interests : and instructive, too, as to the difficulties we have had to meet and conquer before we could possess ourselves of the necessary items of our evidence. I am quite content to base my argument on the insertion of these words ' us-ka plate tut-gaya hai,' and I will prove they are in Asgher Jan's own handwriting. On this point Asgher Jan has committed deliberate perjury. In cross-examination I tried a little experiment with him. I took into court this document, Exhibit 26, written in Urdu. There were spaces left, and Asgher Jan has written a little letter in which these words " us-ka," " plate," " toot ghya " and " hai " will be found. I will have this sentence taken out and photographed, and will show that the writing in Exhibit 26 is the same as in Exhibit 27. In the present age of photography it is a dangerous thing to make denials with regard to writing, especially when the corrected copy, Exhibit 21, was altered by Asgher Jan himself. That Asgher Jan identifies the 20 series of photographs is important, because Mehdi Hassan has sworn in the witness-box that the photograph does not represent his wife. Any one who knows the so-called Mrs. Mehdi Hassan will have no doubt about it. This photograph is also proved by Amir Mirza. We have it from Asgher Jan that these two photographs, 20 and 19, the one in English dress, and the other in native dress, are likenesses of Gertrude Donnelly, and according to his evidence, he seems to have accomplished what no other photographer has ever managed before, and that is that he has taken Gertrude Donnelly twice at one sitting with a difference in her age of six or seven years. We come now to an important matter with regard to Exhibit 19. Asgher Jan swears it was taken when she was Mrs. Mehdi Hassan—he must have read Mehdi Hassan's evidence in this court before the Lucknow Commission : and if he did not, Mehdi Hassan admits he was in Lucknow a fortnight before the Commission sat, and at that time I have no doubt he gave a few hints to Asgher Jan, and tutored him with regard to what he had to say. Asgher Jan was asked to look at Exhibit 19 in which Gertrude Donnelly has her *doputtler* over the head and shoulders. Upon that one small point you will see the value of this man's evidence. He admitted that respectable women's *doputtlers* not only covered the head but the bosom. If you look at Exhibit 19 you will see that the left bosom is exposed, and intentionally. Asgher Jan was cross-examined with regard to that after he had admitted that a respectable woman never exposes that portion of her person, and he was challenged and asked if Gertrude Donnelly had not allowed herself to be photographed in a state repugnant to the modesty of any respectable married woman ; then there came the usual shuffling. He said he had 'taken other

Mahomedan married women in that way ; he remembered having photographed one Mahomedan that way, but he did not know whether she was married or not. She had been photographed with her *doputter* on her knees ; she was a Begum from Delhi. The standard of comparison was at once destroyed, because he was not in a position to say whether the Begum was a respectable married woman or a woman of the town. I asked Asgher Jan if he had a mother, a daughter, a wife or a sister, and if they had been photographed in that manner, and he appealed at once to the court for protection. To reduce the thing to a point, which you can lock with a golden key, he admitted that it was a position common to prostitutes, and what better or stronger evidence do we require than the evidence of this admission that it was unbecoming in a married Mahomedan woman, to be thus photographed with a portion of her person exposed, and in a position affected by the fallen sisterhood of unfortunates. I submit, that we have conclusively established the falsity of Asgher Jan's statement : that we have proved him to be a perjured witness : that that perjury connects him at once with Mehdi Hassan and suggests a motive : and that that motive is the receipt of a sum of money from the prosecutor given and accepted for the purpose of destroying a valuable piece of evidence and of assisting Mehdi Hassan to support a false case by false oaths. In this conspiracy I refer again markedly to the disgraceful part played by Mehdi Hassan's pleader, Ali Abas. The court itself elicited a point which I had forgotten, namely, that on the occasion when the cheque was given to Ali Abas, it never passed out of his hands, except into those of his clerks, and never went beyond the physical precincts of the building in which it was given. We have been making enquiries since I made the statement that Sajid Beg brought us the details of the cheque within twenty-four hours of its being drawn. On further enquiries into the true facts, we find they are as follows :—Sajid Beg will be able to prove by reference to the fact of the Commission opening at Lucknow on the 10th October that Asgher Jan was walking up and down opposite Mr. Radice's house in Lucknow, and he gave the information about the cheque to Sajid Beg on the Thursday previous. If it is true that Sajid Beg saw this cheque in Asgher Jan's hands, what becomes of Mehdi Hassan's statement that to his knowledge the cheque was destroyed on the 4th October, and never left the house ? That is another piece of evidence as to the moral untrustworthiness of Mehdi Hassan and his gang.

There is one peculiarity about Braganza's evidence which requires notice and that is the evidence of the fact that Mehdi Hassan bribed and tampered with that witness. Braganza says in cross-examination, page 4 :

"I first heard the rumour of the marriage of Gertrude Donnelly to Mehdi Hassan in seventy-six, or seventy-seven. I cannot remember who told me. I made enquiries and was told she was married. I cannot remember what made me make the enquiries. I asked some one well acquainted with Mrs. Hodges and Gertrude. I cannot remember his name. I made this very statement to a police officer Cornelius. The man who told me said he had heard it. I told Cornelius in about eighty-six. He had come over to enquire on the part of Government, and I told him what I had heard. I don't know what Government he was enquiring for. I don't know that this was not in 1889. I cannot swear it was not." This is a singular thing because it came out without previous warning. No one knew he was going to make this statement. He is one of the men whom Mehdi Hassan glories in having cheated of the money for which he had consented to modify his evidence. Braganza makes this extraordinary statement that enquiries were being made in 1889 in Lucknow. "I don't know what Government he was enquiring for." I know. Why, it was Musthak Hussain. He was the Government. He was the man who was trying to elicit the truth of this matter probably to suppress it when elicited in the interests of his tool and henchman Mehdi Hussan, and I think Cornelius is either the same man, or the twin brother of the man who is down here. As to Grant, I have nothing more to say except that it is given in evidence how we found him. There is no secret about how the defence came to get this witness. Mr. Boyle has the history of all these old residents at his fingers' ends. Mr. Grant came and made a statement to Mr. Edgelow. At first he went to see Mr. Boyle, and it occurred to him that this old hero might know something about Donnelly, and he told us his story in all the simplicity of his heart. I don't know whether it is alleged we made this man drunk on Byculla whisky ; but it is possible that he had a peg, since it was thirsty weather. He made a statement and I maintain he told the truth. No inducement was held out to him, and he like the other witnesses went into the box with the full knowledge that he need not expect a sixpence either present or prospective. Mr. Edgelow put it to each witness. He said it was a dirty case and they need not have anything to do with it, if they had any serious reasons for declining to come forward. Mr. Grant at once began to fall away when I got him into Court and questioned him with regard to Gertrude Donnelly's age. They got hold of this old gentleman and got him to say that when he stated she had gone wrong with natives, he meant to say she had married a native, Mehdi Hassan, and then gone wrong with him. But notwithstanding this, the fact remains that Gertrude, according to Grant's state-

ment, was a woman of bad repute. As to Archer, I need say nothing more. I have already said that he is a man of the vilest description, sprung from the very dregs of humanity, but as I have already insisted you cannot, when dealing with cases of immorality of the worst and vilest description, you cannot expect us to bring gentlemen forward as witnesses who wear kid gloves and reconcile their adulteries to their consciences by denying all connection to save a woman's honour. That elastic cleanliness is the badge of a higher and more cultured stratum of society: possibly the outcome of a more exotic cultivation than any which men like Archer have experienced. The point I ask you to confine your attention to is, do you or do you not believe, Sir, that Archer would have come forward and have made such a statement as he has done in the absence of any evidence to show that he had been offered any reward present or prospective? I am entitled with regard to this class of testimony to say that it is not likely we would have departed from that integrity which has throughout characterised our actions with other witnesses, and bribe a man of this sort. With regard to Rajah Ram Pal Sing's evidence, it appears from his examination that he is a witness who was reluctant to come forward. He is a gentleman of high repute which was evident from the manner in which he was treated by the presiding Magistrate. The only thing that can be said against him is that he, too, is a member of the Congress. He is a man of considerable wealth and an Honorary Magistrate of Lucknow and Purtabghar districts, and in 1871 was exercising those functions in Lucknow. He became officially aware of the fact that there was a woman of bad repute named Gertrude Donnelly. He is altogether the class of man who it is not likely would be guilty of anything like what Mr. Lincoln suggested. It is not for me to decide whether Mr. Lincoln was right or wrong as Counsel in making that suggestion. In 1873 Rajah Ram Pal Sing went to Purtabghar and met Mehdi Hassan and Gertrude. Mehdi Hassan was then a Tasildar and he asked Ram Pal Sing to speak on his behalf to the Commissioner. Gertrude was introduced to the Rajah and she proceeded to captivate his heart, and he was gratified by the attentions of this extremely pretty woman. He remarked at that time that her Urdu was wonderfully pure and good, so much so that he did not think she was a European. You see how things work back, for this proves a fact of which the Rajah could have no cognizance at the time he made that utterance. That fact is this: Mehdi Hassan swore that he had to write the marriage contract B in English because his wife did not understand Urdu, and that Sujat Ali had to translate the document to her, because she did not understand the meaning of the word *nika* and the word *kabul*! And now we find that Gertrude was a proficient in Urdu,

so much mistress of its delicacies that she was mistaken by a competent Judge for a Mahomedan ! And this is a specimen of the perjury which has characterised the case for the prosecution all through. Now we have one item of undoubted testimony which shows Mehdi Hassan to all the world to be the ruffian that he is. It shows the abominable depths to which he could descend. The cross-examination of Rampal Sing at first proceeded on the basis that he was on the most intimate terms with Mehdi Hassan, because you will find that he is asked if he had a conversation with him on a Tennis Court about introducing Mehdi Hassan's wife to society in England. He was asked if he did not say " why don't you take your wife to England and I will see that she is introduced into good society." When that was said to the Rajah he simply threw up his hands and said, " If I did say that, I must have been mad or drunk," because, firstly, it was not easy for one man to introduce another man's wife into society in England, and secondly because he knew the class from which this woman sprang. Then, when Mehdi Hassan found that Rajah Rampal Sing could not be coaxed or frightened into a sacrifice of the base and revolting truth, comes that infamous question imputing to Rampal Singh an offence which, if true, would, properly, for ever make him a pariah in the eyes of all honest men. Mehdi Hassan, because he could not get this man to say Gertrude Donnelly was not a prostitute, turns round and asks him if he is not himself addicted to the lowest and most depraved form of vice which man's mind can picture and shudder at. That is the strongest evidence I have of Mehdi Hassan's moral degradation. He does not hesitate to use means the most filthy in his endeavours to clear himself and that which he flatters himself to be his reputation. Friendship is no more sacred to him than his own good name, or the character of his mistress. All must succumb to social position and quest of gold ! And the man whom Mehdi Hassan accuse of this villainous offence is a man to whom Mehdi Hassan has been frequently indebted for pecuniary assistance. I say such a question ought never to have been formulated and I ask you, Sir, as the Magistrate in charge of this case to say that the question was wanton and uncalled for, and that Ragah Rampal Singh stands clear upon the evidence of any blot upon his morality.

That is, shortly, the evidence in chief for the defence with regard to the issue of Gertrude Donnelly's character. I have endeavoured to deal in this case, so far as I could consistently with Mitra's interests, as leniently as possible with Gertrude Donnelly. I have endeavoured not to be unnecessarily harsh with this woman. It has been a painful case throughout, and I have so endeavoured because I am conscious there is no necessity why I should say anything against her

which would make her lot more hard than it already is. I have no wish to sit in judgment upon her. By the action of the man who has publicly proclaimed her wifely fidelity and her womanly virtue, her character has been shattered to its very foundation in a manner which no repentance can rebuild. I leave Gertrude Donnelly to a punishment even greater possibly than she herself can bear. I leave her to the judgment of her old, and trusted, friends, particularly of the female sex, from whom she will receive a treatment so pitiless, so severe, that she shall never cease to mourn her connection with this case and the man who has undone her. I trust Mehdi Hassan will be better advised than allow her to be put into the witness-box. I wish to make this public statement that if she does come into this Court no question of misplaced sympathy, no consideration of misplaced delicacy, will prevent me from proving from her own lips that which we have heard from others and which there is no reason to believe is not true.

Mr. Rudra : With reference to the remark of my learned friend, in which he couples Mr. Gribble's name with the letter to the *London Times* in Mehdi Hassan's name, Mr. Gribble wishes to explain that he had nothing to do with it.

Mr. Norton : I am quite satisfied.

Mr. Rudra : My learned friend made mention of Syed Hussain Belgrami, and he went so far as to say that Syed Hussain Belgrami actually kept Gertrude Donnelly as a mistress.

Mr. Norton : I think I said he had had connection with her.

Mr. Rudra : I will take it in that modified form. I should like to know what evidence he is going to call to prove that.

Mr. Norton : I am responsible for the manner in which I shall conduct my case. I must decline to say anything further about the details of that case at present.

Mr. Rudra : But we want to know if he has evidence to prove that remark.

Mr. Norton : I should like to know whether my learned friend appears as counsel for Mehdi Hassan or Syed Hussain Belgrami. Mr. Syed Hussain Belgrami knows exactly what I am going to do.

Mr. Rudra : I am entitled to know whether Mr. Norton is justified in making the remark he has if he has no evidence to prove it.

His Worship : I do not see that counsel for the defence is bound to give you indication of the evidence he is going to call if he does not wish to. You can always comment on his non-production of proof if none be produced to support any statement made.

On a later occasion, MR. EARDLEY NORTON SAID:—To save the time caused by the non-appearance of Mr. DeSouza in the box this morning, I will, with your permission, Sir, redeem my promise to Mr. Rudra, and comment upon the letter written by Mehdi Hassan to Salar Jung, which I omitted to mention accidentally in my opening speech, and my comments on which Mr. Rudra is entitled to hear so that he may be in a position to know what our case with regard to that letter is, and what evidence we intend to call in its support. The letter, Sir (Exhibit 8), is most relevant to the enquiry, because in our view of the case, it meets and sustains the charge contained in the pamphlet, and justifies the statement in that pamphlet that Gertrude Donnelly has, since her appearance in Hyderabad, been living in the same condition of immorality in which she lived at Lucknow and elsewhere, that she did surrender herself to young Sir Salar Jung the second, and Mehdi Hassan did deliberately surrender her to the lust of his superior in order that, through her charms, he might secure for himself preferment in his own official career. We know that the letter, although undated, was written in 1884, and we know that in 1885, Mehdi Hassan, was made Chief Justice of Hyderabad by the late Sir Salar Jung the second. There is the singular coincidence between these two dates, and I shall be able to show that the connection between them lies in the nature of a *post hoc, propter hoc*. I think, Sir, when you have heard what I have to say on this document, you will probably agree with me that it shows that Mehdi Hassan was in the habit of calling at Sir Salar Jung's palace, and that between the two there existed even at that time the germs of that intimacy which eventually ripened into a reciprocity of immorality. It is the second paragraph of the letter which is most important: "Everything is ready, and I made every *arrangement* for your Excellency's comfort. My bed-room being quite separate from that of the ladies, I am sure your Excellency will not be put into any sort of inconvenience." I call your attention particularly to the fact that the word "*arrangement*" in this paragraph is underlined. What was the necessity for laying special emphasis upon such a word? If Mehdi Hassan's explanation be true that Sir Salar Jung was coming to his house merely for the innocent purpose of drinking a cup of tea, it does not commend itself to our common sense either that Sir Salar Jung should have insisted upon any particular arrangement being made for his comfort, or that Mehdi Hassan should have thought it necessary to inform Sir Salar Jung that he had made any such arrangement. It is Mehdi Hassan's story that Sir Salar Jung was a man who disliked European ladies' society, and that the word "*arrangement*" in his letter referred to the preparation of a room for young Sir Salar

Jung to which the Minister could retire from the too pressing charms of ladies' society. I will touch more fully upon this directly. But is it conceivable that Mehdi Hassan should have thought it necessary to lay particular stress upon the word "arrangement" in this letter if the truth only were that Sir Salar Jung expected to have a room to which he could retire for his own legitimate purposes? Surely Sir Salar Jung would have taken it for granted that his host would have completed all such minor details as would have insured his social comfort. The emphasis upon the word "arrangement" lends itself to no other construction than this, that Mehdi Hassan had already prearranged with Sir Salar Jung the physical corruption of the woman he called his wife, and that Sir Salar Jung was to be enticed to Mehdi Hassan's house not with the sober excitement of a cup of tea but with the bribery of Gertrude's voluptuousness. Then Mehdi Hassan informs young Jung that his bed-room is quite separate from that of the ladies. What possible object had Mehdi Hassan in his mind's eye when he penned that sentence except to convey to the intended guest the fact that he could gratify his amorous proclivities under circumstances of safety as well as of pleasure? The words practically put Sir Salar Jung upon notice that he could have uninterrupted access to Gertrude's bed-room without fear of inquisitive eyes watching his motions, or of disturbing his lustful desires; that the arrangements were such that neither Mehdi Hassan nor his friends, nor his servants could put Sir Salar Jung, in Mehdi Hassan's English, "into any sort of inconvenience." Before I pass to Mehdi Hassan's oral evidence on the point, let me call to your memory the circumstances connected with the use of the word "ladies." You will recollect that when Mehdi Hassan first went into the witness-box for cross-examination, I dictated a sentence to him which is filed as Exhibit 1. My object at that time was to ascertain beyond all manner of doubt what was the idea that lay in Mehdi Hassan's mind when he wrote that word "ladies" in the letter to Sir Salar Jung. Presumably the sentence "My bed-room being quite separate from that of the ladies" would read as though there was more than one lady in Mehdi Hassan's house at the time he wrote Exhibit 8. But I had a sort of superstition that Mehdi Hassan's grammar was faulty, and that when he wrote in the plural he intended it to stand for the genitive singular. In either event, however, Mehdi Hassan would be impaled on the horns of a dilemma. For if there were more ladies than one in his house at the time he wrote the letter to Sir Salar Jung, then Mehdi Hassan stands convicted of turning his house into a house of call for the immoral convenience of the Minister and of converting himself into a *procureur* collecting women of sorts for the sensual gratification of the man

whose favour he was courting. If on the other hand there was only one lady in the house and that lady was Gertrude, then Mehdi Hassan is convicted of prostituting his so-called wife to the embraces of the Minister. It matters little to me which is the true explanation, I make a present of the choice of difficulties to Mehdi Hassan's counsel ; in either event Mehdi Hassan is lost to all sense of moral honour, and of moral decency. But being anxious to make quite certain what Mehdi Hassan's intentions were, I dictated the sentence written in Exhibit 1. That sentence, as written by Mehdi Hassan, is "Smith and his wife quarrelled. His interest is opposed to that of the ladies." Reference is made in that sentence only to one lady, and although I don't defend the grammar of the sentence, I so intentionally worded it as to make sure of Mehdi Hassan's intent. Although only one lady is mentioned, Mehdi Hassan has substituted the plural for the genitive singular. After a lapse of eight years, Mehdi Hassan's grammar is as shaky as his character, and while in 1884 Mehdi Hassan spells the genitive singular "lady's" in the plural, so in 1892 Mehdi Hassan spells the genitive singular of Smith's lady in a similarly erroneous fashion. I anticipated, and correctly, what would be Mehdi Hassan's line of defence when he came to understand the object of the dictation of Exhibit 1. I knew he would take shelter in a lie, because throughout this protracted trial there has been no occasion on which, with the choice offered to him of telling a falsehood or the truth, Mehdi Hassan has ever hesitated in adopting the falsehood where in his opinion a falsehood would enure to his own benefit. I knew that it would be Mehdi Hassan's first impulse when confronted with Exhibit 8, which had not been filed in the case at the time I gave him the dictation, to endeavour to shelter himself behind the plea that the spelling of the word "ladies" in his letter to Sir Salar Jung showed that he was making allusion not to Gertrude but to more women than one. Such an explanation, as I have already suggested, would in no way absolve Mehdi Hassan from the dishonourable stain of being a courtesan who felt no shame in securing his own professional preferment by prostituting either his mistress or his mistress's friends to the lust of the man of the day. None the less, Mehdi Hassan did make the attempt, and you will find his answer on page 18 of his evidence. After identifying the house in which he was living at the time he wrote Exhibit 8, with the house in which he is now living, Mehdi Hassan admits the signature on Exhibit 8 to be his. His evidence is important on this point and I will read it :—" I have written to Sir Salar Jung. Letter shown to me is mine. ' Your Excellency ' means Sir Salar Jung. I think that by ' everything is ready here ' I meant I had asked him and

got everything ready for his comfort. I don't think that the underlining under 'arrangement' is mine. The passage as to 'bed-room' means I had prepared a bed-room for him in case he wished to stay some time and was tired. By the passage 'my bed-room is quite separate from that of the ladies' I did not intend to imply that my bed-room was apart from my wife's and that I placed her at Sir Salar Jung's disposal. 'That of the ladies' means Mrs. Mehdi Hassan's bed-room. I say that it is quite possible another lady was staying there at the time. The reference 'to the ladies' was because Sir Salar Jung was very shy of the ladies and used to avoid European society, disliked the trouble of dressing, which he was very lazy about. I don't mean that Sir Salar Jung was to lock himself up in his bed-room. I put the bed-room at his disposal for his comfort. The bed-room I put at his disposal was my spare bed-room which I have always had. I swear that this letter did not intend to imply that Sir Salar Jung would have opportunities of intercourse with my wife unchecked. I swear it on everything most sacred to me. I can't fix the date of Exhibit VIII. Sir Salar Jung only came to my house twice, on one of which occasions Mr. J. Reid of the N. W. P. Civil Service was my guest. At the time I sent Exhibit VIII. I was in my present house, with the exception of additions the ground plan of my house is the same as it was when I went into it. My wife and I live in the room at the west of the house (dressing-room, bed-room and boudoir *en suite* and opening into each other). They lay on the other side of the drawing-room from the entrance. The bed-room I offered Sir Salar Jung faced east and lay on the left of the passage before you came to the drawing-room. Between these two bed-rooms lay the dining-room, drawing-room, and the enclosed verandah used as a sitting-room." Mehdi Hassan here endeavours to explain away the reference in Exhibit 8 to his bed-room by the statement that he was preparing for Sir Salar Jung's convenience a spare bed-room in which Sir Salar Jung could either take off his shoes or wash his hands. But the letter says nothing about a spare bed-room. The letter talks about "my bed-room." The only inference from this is that the present explanation is an attempt to get out of the difficulty, and that the true explanation is that Mehdi Hassan held out as a bait to Sir Salar Jung the fact that his bed-room was separate from Gertrude's, so that Sir Salar Jung could use Gertrude's without fear of being overlooked by Mehdi Hassan or his minions. Mehdi Hassan's attempt to diminish the evidential value of his letter as against himself by suggesting that Sir Salar Jung was shy and lazy and disliked the trouble of dressing, is contradicted once for all by the statement of his own witness, Mr. Furidoonji, which is extremely valuable upon this head.

Furidoonji knew the late Sir Salar Jung very well. He had been his private secretary and his private friend, and also, like Mehdi Hassan, he had entertained him at his own house. He was aware of his habits and familiar with his tastes. He knew his master's disposition, and he avers what everybody who knew the late Sir Salar Jung must know to be true, that he was a man strongly addicted, in a good sense, to intercourse with European ladies, and so far from being shy he was always glad to spend as much time as he could in the pleasure of their accomplishments and conversation. That is absolutely destructive of Mehdi Hassan's explanation and points to the readiness with which Mehdi Hassan stoops to avail himself of every bit of falsehood which he thinks can in any way be made to secure his safety. Again, Sir, I ask you, is it likely that Sir Salar Jung, who was a wealthy man, surrounded by all the comforts and luxuries that wealth could secure, who lived in a splendid palace in the city, and could command every convenience which money could bring, I ask you is it likely that such a man would take the trouble to drive all the way from the city to Chudderghat for the purpose of locking himself up in Mehdi Hassan's spare bed-room with his coat on the floor and his shoes on the table? If such amusements had any fascination for Sir Salar Jung, surely he could have indulged in those harmless delights in the privacy of his own palace? The falsity of the explanation proves not merely the falsity of Mehdi Hassan's own character, but the falsity of the explanation which he tenders on this particular branch of the case. It is obvious that the reference to the room and the previous preparation was intended to be and in fact was nothing but an allurements to Sir Salar Jung for the purpose of bringing him from his palace to Chudderghat with a view of throwing him into the arms of the expectant Gertrude. Mehdi Hassan swears that his letter was not intended to imply that Sir Salar Jung should have opportunities of intercourse with his wife unchecked, and Mehdi Hassan swears it on everything most sacred to him. Most sacred to Mehdi Hassan! I should like to know what within the confines of this world is sacred to Mehdi Hassan. Issuing from lips such as his, it is rank blasphemy to talk of anything being sacred. Upon the evidence as it stands Mehdi Hassan is already convicted of the most shameful forgery, of perjury the most disgraceful, and of subornation of perjury the most iniquitous. There is no discreditable act to which he has not stooped from the ruining of his own character to the attempted ruin of the characters of every man friend or foe, who has felt himself compelled by a sense of truth, to which Mehdi Hassan is himself absolutely alien, to come forward in this case and publish to the world the mis-doings of this man who swears by things which are sacred.

Friendship has failed to exercise any restraining influence upon him. The man whom at one time he put forward as being a man of honor and without reproach, the man whose good offices he was ready to solicit and utilise with a view of pushing his mistress into good society in England, and whom he claimed as his own friend, was a man whom he instructed his own counsel to attack with suggestions which make one shudder as one re-calls them. Sacred ! there is nothing sacred to Mehdi Hassan except the sanctity of falsehood and the sanctity of his own private purse. What could be sacred to a man whose sense of the duty he owes to the protection of his own honor is summed up in conduct such as this, that when he finds he is being attacked in Hyderabad, by statements which if true displace him once for all from the ranks of honorable gentlemen, he contents himself by going out shooting innocent four-footed animals instead of stopping here and hunting down and punishing the human biped who was assailing his good name. Mehdi Hassan is dead to all sense of honor, and there is not throughout this protracted trial one single gleam of chivalry or manly virtue in anything he has done, or said, or written.

I pass to the third paragraph of Exhibit 8. " If you like bring Chota Aga Sahib also, I am sure he is used to the society of the ladies." Mr. Inverarity and I both equally rely upon this paragraph, he to show that the mention of Chota Aga Sahib's name is a guarantee of his client's good faith and moral intent, I to show that the introduction of this young man's name is the most conclusive proof that the writer of the letter was making immoral preparations for the reception of the Minister. We know that this last " ladies " means Gertrude Donnelly ; we know that Aga Sahib was a personal and intimate friend of Sir Salar, and that he was acquainted with all his pleasures and modes of life, and in all probability, although there is no evidence to support it, Chota Aga Sahib was used to the society of Gertrude in a sense which would not at first sight appear. So far from his presence conveying any assurance that there would be no restriction upon the voluptuousness of Sir Salar, it seems to me that the presence of a man who was used to Gertrude Donnelly's society, remembering always what Gertrude Donnelly was, her antecedents, her position in life, her own inclinations and all the filth of her early education, it seems to me that a man who was used to the society of such a woman, would not be a brake upon the passions of an intending seducer, but would, on the contrary, help by his own presence the views which men of the nature of Sir Salar Jung and Mehdi Hassan might have desired between

them to accomplish. Chota Aga Saheb was the *alter ego* of Sir Salar Jung, and unless mine be the proper interpretation of Exhibit 8, what is the meaning of the reference to the fact that Chota Aga Sahib was used to Gertrude's society, whilst in the same breath Mehdi Hassan wishes you to believe that Sir Salar Jung was himself averse to it? For all we know, Chota Aga Sahib's familiarity with Gertrude might have been used as a sort of second-hand recommendation of the charms, capacities and attractions of his mistress—"ask Chota Aga Saheb, Sir, and he will tell you what a splendid companion she is." Used to the society! One could well believe that this young man, who was to accompany Sir Salar to the presence of the so-called Mrs. Mehdi Hassan's bed-room, could of his own personal knowledge and personal intimacy with Gertrude, have given Sir Salar Jung a certificate of the voluptuousness of the embraces of Mehdi Hassan's mistress. I shall call evidence to show that immoral relations existed between Sir Salar Jung and Gertrude Donnelly both in Hyderabad and at Bolaram. I shall not, as my friend Mr. Rudra attempted to illustrate in cross-examination of my witnesses, endeavour to prove Gertrude's unchastity by witnesses who would speak in every case of their own ocular knowledge of her wrong doing, but I shall call witnesses who will speak to seeing Gertrude Donnelly and Sir Salar Jung under circumstances which can lead to only one inference, that they had the opportunity of gratifying their respective passions, and I think it sufficient to say that recollecting the mass of evidence which testifies to the animal sensuality which enveloped Gertrude's life, past and present, if we find her in close proximity to some man under conditions which permit of the gratification of her desires, there is little doubt as to what followed. I think, Sir, we may believe that if a woman of bad character is seen to enter with a male companion a stable and to close the door, I think we may safely conclude that they have not gone there for the purpose of saying their prayers. This is what a great Judge, Mr. Justice Holloway, once told a jury at Sessions. There is nothing more to be said upon this branch of the case. The letter to Sir Salar Jung and its only obvious interpretation is possibly the strongest evidence, amongst the many pieces of strong evidence, on the record to justify the truth of the charges contained in the pamphlet, and to justify the conduct of those who, knowing what the characters of Mehdi Hassan and his mistress were, made public that knowledge with a view of saving society from further contamination by persons so dissolute, so profligate and abandoned as Mehdi Hassan and Gertrude Donnelly.

